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the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price, in any newspaper of common circulation published in said city, shall be declared the public printer;

*Provided, however,* that if the common council shall deem it best for the interest of the city to select a person who is not the lowest bidder, they may elect such person public printer, and he shall be declared the city printer for the ensuing year; and in the newspaper designated in said accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of said city to be published in a public newspaper.

The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time and the date or dates at which the same has been published, and such affidavit shall be a *prima facie* evidence of a publication of such notice, ordinance or resolution; *Provided*, that the common council may make such other provisions for publishing its ordinances, by-laws and matters requiring publishing as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 12. If any person, having been an officer of said city, shall not, within one (1) week after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars (\$1,000), besides all damages caused by his neglect or his refusal so to deliver, and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

SEC. 13. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; except the city recorder, who shall receive the sum of one hundred dollars (\$100) per annum, which shall be in full for all his services, including that of clerk of the common council, and all duties imposed upon him in behalf of said city, and shall be paid monthly, at the termination of each month.

The compensation of officers shall be fixed for the fiscal year in the month of January of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer



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SPECIAL LAWS

OF THE

STATE OF MINNESOTA

PASSED DURING THE

TWENTY-SEVENTH SESSION

OF THE

STATE LEGISLATURE

COMMENCING JANUARY EIGHTH, ONE THOUSAND  
EIGHT HUNDRED AND NINETY-ONE.

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OFFICIAL PUBLICATION BY THE SECRETARY OF STATE.

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## ERRATA.

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The letters and words included in brackets [ ] in this volume of Special Laws are not in the enrolled copies of the acts approved by the Governor and filed with the Secretary of State; they are found in the original or engrossed copies that were voted upon by the legislature, but were omitted or incorrectly copied in the enrolled acts.

Errors in grammatical construction and omissions of words, in the printed copy, may be traced to the fact that the errors and omissions appear in the original and subsequent copies of the acts as engrossed and enrolled.

# SPECIAL LAWS

—OF—

# MINNESOTA.

PASSED AND APPROVED AT THE TWENTY-SEVENTH SESSION OF THE  
STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE  
THOUSAND EIGHT HUNDRED AND NINETY-ONE.

## CHAPTER I.

[H. F. No. 899.]

AN ACT TO INCORPORATE THE CITY OF REDWOOD FALLS, IN THE  
COUNTY OF REDWOOD AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

## CHAPTER I.

### CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the county of Redwood, Minnesota, contained within the subdivisions and boundaries hereinafter described, shall be a city of the name of Redwood Falls, and the people now inhabiting the same and those who shall hereinafter live within or inhabit the territory or district of country hereinafter designated and described shall be a municipal corporation by the name of the city of Redwood Falls, and by that name shall be sued and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold and purchase, lease and convey, and own any and all such real, personal, or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid. Said city shall be capable of contracting and being contracted with,



and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The subdivisions of land included in and constituting the city of Redwood Falls shall be as follows, to-wit: The west half ( $\frac{1}{2}$ ) of section six (6), in township one hundred and twelve (112), range thirty-five (35), all of section one (1), and the east half ( $\frac{1}{2}$ ) of section two (2), in township one hundred and twelve (112), range thirty-six (36), all of section thirty-one (31), in township one hundred and thirteen (113), range thirty-five (35), and all of section thirty-six (36), in township one hundred and thirteen (113), range thirty-six (36), as the same is designated upon the plat of the United States government survey, all in said Redwood county.

SEC. 3. The said city of Redwood Falls shall be divided into two (2) wards, to be called the first (1st) and second (2d) ward, and shall be limited, bounded and described as follows, to-wit: The first (1st) ward shall comprise all of section thirty-six (36), township one hundred and thirteen (113), range thirty-six (36), the east one-half ( $\frac{1}{2}$ ) of section two (2), township one hundred and twelve (112), range thirty-six (36), all that part of section one (1), township one hundred and twelve (112), range thirty-six (36), which lies west of a line extending north and south through and along the centre of Washington street, and from the southern terminus thereof to the south line of the aforesaid section one (1), which said Washington street is one of the streets of the old village of Redwood Falls, Minnesota.

The second (2d) ward shall comprise all the territory within said city of Redwood Falls not hereinbefore included in the aforesaid first (1st) ward.

Each of said wards shall constitute one (1) election precinct.

SEC. 4. The city council of said city shall have the power, by ordinance, to change the boundaries of said wards or increase the number thereof to not exceeding five (5), as the convenience of the inhabitants may require—such wards containing, as nearly as practicable, an equal number of voters

## CHAPTER II.

### ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. There shall be an annual election for electing such officers as are herein or otherwise by law made elective. Which election shall be held on the first (1st) Tuesday after the first (1st) Monday in January of each year, at such place or places in each ward or election precinct as the common council of said city shall designate, and the polls in this city shall be kept open upon each and all elections from one (1) o'clock in the afternoon until five (5) o'clock in the afternoon. Ten (10) days previous, notice shall be given by the city recorder of said city of the time and places of holding each election in each ward or election precinct of said city, also of the officers to be elected, by causing a notice of the same to be posted in at least one (1) public place in each ward or election precinct of said city, if such precincts shall be established as hereinafter provided, and by pub-

lishing such notice in the official paper of said city for at least one (1) week before the day of said election; but any failure to give notice shall not invalidate said election.

SEC. 2. The elective officers of said city shall be a mayor, a municipal judge, treasurer and city recorder, all of which officers shall be residents and qualified voters of said city. Each ward shall elect two (2) aldermen, only one (1) of which shall be elected each year (after the first election), who shall be residents within and qualified voters of the ward for which they may be elected and shall hold their office for two (2) years. All other officers necessary for the proper management of the affairs of this city, unless otherwise provided, shall be chosen by the common council. All other elective officers excepting aldermen, as herein provided, shall hold their offices for one (1) year, or until their successors are elected and qualified.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or any other office of said city by death, removal, or resignation, or otherwise, the common council shall have power, and it shall be their duty, to declare the office vacant by resolution entered upon their minutes. All such vacancies shall be filled by appointment by the common council, excepting in case of a vacancy occurring in the office of aldermen; such vacancy shall be filled by the aldermen of the ward in which such vacancy occurs; *Provided*, if there be two (2) vacancies in the office of alderman of any one (1) ward, or if there be one (1) vacancy in the office of alderman of any ward, and the remaining aldermen of such ward either refuse or are unable, on account of a tie vote, to appoint a person to fill such vacancy, then shall all vacancies in the office of alderman in such cases be filled by appointment by the common council.

The person appointed to fill a vacancy shall hold his office and discharge the duties thereof till the next regular election for electing city officers, and until his successor is elected and qualified.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers and who reside in the ward or election precinct where they offer to vote,

shall be entitled to vote for any officer to be elected under this law and to hold any office hereby created; *Provided*, their names shall have been duly inserted in the list of qualified electors of the ward or election precinct in which they reside, as in the election of state and county officers, and the different wards established by law or such election precincts as may hereafter be established by the common council shall constitute election districts for state and county, as well as city elections, and the mode of conducting all state and county elections in said city shall be in the manner herein provided in the city elections; except that the returns thereof shall be made by the judges of election to the auditor of the county of Redwood within the time provided by law.

SEC. 7. Until election precincts shall be established in said city, as hereinafter provided, the elections in said city shall be held and conducted by the aldermen in each ward, who shall be the judges of election in their respective wards in all elections of state, county or city officers and at all special elections, and shall take the usual oaths of affirmation, as prescribed by the general laws of the state to be taken by judges of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths.

Said elections shall be held and conducted in the manner and under the same penalties as provided for state and county elections, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; *Provided*, that no person shall be a judge of any election at which he is a candidate for any office, and provided that in all city elections the aldermen of their respective wards or the judges of election in each election precinct shall meet on the day preceding such election to correct the poll list, and shall be entitled to but one (1) day's pay for such extra services.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges, unless their duties are modified by the appointment of auditing boards, shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the city recorder within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three (3) days thereafter. The recorder of the common council shall forthwith notify the officer or officers elected of their election by written notice, served upon such officers in person or left at their usual place of abode with some person of suitable age and discretion.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward or the judges of such election precincts in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution, excepting as the duties of judges of election may be modified or changed by the appointment of auditing boards, as hereinafter provided.

SEC. 10. An officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect for ten (10) days after notice of his election or appointment to enter upon the discharge

of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy, as herein prescribed.

SEC. 11. The term of every officer elected under this law shall commence on the second (2d) Tuesday after the first (1st) Monday of January of the year for which he was elected, and shall, unless otherwise provided, continue for one (1) year and until his successor is elected and qualified.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days' notice of the time and place being given, in the same way as provided herein for general elections.

SEC. 13. The city council may, at any time at least twenty (20) days previous to any general election for city officers or general election for state and county officers each year, as they see fit, divide the city into as many election precincts as they deem it necessary, and shall designate the boundaries of each election precinct of said city, and for that purpose may divide the several wards into such number of precincts as they may think best; but no election precinct shall extend over or out of the territory of more than one (1) ward. The common council may provide, by ordinance, for judges of election in the several election precincts and prescribe their duties, and for each and every other requirement necessary to carry this section into effect. The city once having been divided into election precincts, it shall so remain until the boundaries of such precincts are changed by the common council, as herein provided.

### CHAPTER III.

#### OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer administering the same, with the city recorder; and the treasurer, street commissioner, recorder and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Redwood Falls a bond, with at least two (2) sureties satisfactory to the common council, and such bonds shall contain such penal sums and such conditions as the common council may deem proper; and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for, and in case of a riot, or other disturbances, he may provide as many special or temporary constables as he may deem necessary; and any police offi-

cer or watchman appointed by the mayor as aforesaid, may be discharged from office by him whenever, in his opinion, the welfare of the city may demand it or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and, if he approve thereof, he shall sign the same; and such as he shall not sign he shall return to the common council, with his objections thereto, by depositing the same with the recorder to be presented to the common council at their next meeting thereafter. And upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record by the recorder. If any ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted), exclusive of the first (1st), after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. The mayor shall have a salary of fifty (50) dollars per year, and he shall be president of the common council, but shall not hold any other office under the authority of the city. The mayor shall have no vote at any meeting of the common council, excepting in case of a tie, at which time it shall be his duty to vote upon the question before the council upon which a tie vote is had. His duties as presiding officer shall be confined during all meetings of the common council to the enforcement of such parliamentary usages as the common council may adopt. All contracts and appropriations shall, before they take effect, be presented to the mayor, and, if he approves thereof, he shall sign the same; and such as he shall not sign he shall return to the common council with his objections thereto, and the same proceedings shall be had thereon as provided in section two (2) of this chapter, in relation to ordinances and resolutions. The mayor shall sign all orders drawn upon the treasurer. At the first (1st) meeting of the common council in each year they shall proceed to select by ballot from their members a vice president, and in the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of mayor. The vice president of the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor. In case the mayor shall be absent from any meeting of the common council the vice president shall act as presiding officer for the time being, and discharge the duties of said mayor.

In case of the absence of the mayor and vice president from any meeting of the common council, or the inability of both of them to act, the members thereof may elect one of their members present to preside at such meeting, and the acts of such member so presiding shall have the same force and effect as the acts of the mayor at all times during the inability of the mayor or vice president to act.

The mayor shall have authority to revoke and cancel for cause any license issued by the common council by serving a written notice upon the person holding the same that such license is revoked and canceled, and the same shall thereafter be null and void, and he shall

notify the common council at their next regular meeting thereafter of the cause of revoking and cancelling said license.

The common council may, at any regular meeting, reinstate such license so revoked by a two-thirds (3) vote of the members present, and thereafter the same shall be valid until revoked and cancelled again, provided said common council shall hear any person whose license has been thus revoked, at such time and place as they shall see fit, upon an application to said common council for reinstatement of such license by the party deprived of the same, as aforesaid, which application shall be in writing and filed with the city recorder within five (5) days, exclusive of the first (1st), after the time of the revoking of such license.

SEC. 4. There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose.

The city recorder shall have power to administer oaths and affirmations and acknowledge all papers. It shall be the duty of the city recorder to report to the common council the financial condition of the city whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds.

He shall report annually on or about the first (1st) day of January to the common council an estimate of the expenses of the city and likewise the revenue necessary to be raised for the current year. He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the common council or by any city officer.

And every contract made in behalf of the city or to which the city is a party shall be signed by the recorder. The city recorder shall keep regular books of accounts in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the city, including the amount of bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of the same outstanding.

He shall countersign all bonds or other evidences of indebtedness of the city and keep accurate accounts thereof, stating to whom and for what purpose issued and the amount thereof. He shall keep accounts with all receiving and disbursing officers, showing the amounts they have received from different sources of revenue and the amount they have disbursed under the directions of the common council. The recorder shall examine all the reports, books,

papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct.

All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder, and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts with an index thereto; such record shall be open to the inspection of all parties interested. He shall make a full and complete report of the finances and condition of the city, which shall be kept on file, and a copy thereof he shall cause to be published in the city newspaper at least fifteen (15) days prior to the annual election.

The city recorder shall perform all other services by law required of clerks of cities or townships, within said city, but when such services are required of him by public law, for which compensation is made from the state or county treasury or individuals, such services shall not be regarded as services for said city, and he may retain such compensation in addition to his regular salary, and shall keep an accurate account of fees so received, and report the amount of the same to the common council at the close of each official year.

SEC. 5. The city attorney shall perform all professional services incident to his office, and, when required, shall furnish opinions upon any subject submitted to him by the common council or its committees. He shall also advise with and counsel all city officers in respect to their official duties, and attend the meetings of the common council and of such committees as shall request his assistance, and his salary shall be fixed by the common council.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least twenty (20) days before the annual election, or sooner if required by them, a full detailed account of the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed with the city recorder. He shall also report to the common council, at such times and in such manner as they may require; and he shall give such bonds for the safe keeping of the funds of the city as the common council may require. His salary shall be ten (10) dollars per annum.

SEC. 7. There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police of said city shall possess the powers of constables at common law or by the laws of the state; and it shall be their duty to execute and serve all warrants, processes, commitments, and all writs and warrants whatsoever, issued by the municipal court of said city, for any violation of the laws of the state of Minnesota or of the ordinances or by-laws of said city, and also all writs and processes whatsoever issued by the municipal court of said city in civil actions, and they shall have authority to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables aforesaid shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach

of the peace or of any violation of the laws of this state, or of the ordinances or by-laws of the city, and for these purposes shall possess the powers of constables at common law while on duty;

*Provided*, that each policeman, before he enters upon the duties of his office, shall take and subscribe the oath of office prescribed by law for constables in this state, and in addition thereto shall execute a bond to the mayor of said city in such penal sum as the common council shall direct, with one (1) or more sureties, to be approved by the mayor, conditioned for the faithful discharge of his duties as such constable and further condition to pay over to the party entitled thereto any money that shall come into his hands by virtue of his power and authority as such constable, which bond shall be filed with the recorder. The duties of all policemen may be determined by the common council; also the manner in which they shall be paid; and no policeman shall be authorized to perform the duties of constable at common law when forbid by the common council, anything herein to the contrary notwithstanding.

SEC. 8. The city council shall, at its first (1st) meeting after each annual election, or as soon thereafter as may be, appoint one (1) street commissioner for the city, whose term of office shall be for one (1) year.

All work done by the street commissioner shall be subject to the approval of the council and the city engineer.

It shall be the duty of such street commissioner to see that all streets and sidewalks under his charge, which have been graded and open for travel, are kept clear from obstruction and in such repair as to be safe and passable; also to superintend, subject to the directions of the city engineer, the grading of streets and the laying of sidewalks, and to carry into effect all orders of the city council. But no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, unless such work is specially ordered by the city council. The street commissioner shall keep accurate account of all his work and expenditures, and make detailed and itemized reports thereof to the city council at least once in every month, and oftener if ordered by the city council, and no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied by or preceded with full and itemized reports of his work and expenditures up to the time of rendition of such bill. Said street commissioner shall be paid for his services such compensation as the city council shall determine, for the time actually given by him to such service, to be paid upon bills thereof, audited as other claims against said city.

No street commissioner shall be interested in any contract for any work to be done under his charge, nor be allowed compensation for any use of team owned by himself or in which he shall have any interest, nor for any material or labor furnished by him, except his personal services, nor shall he receive, directly or indirectly, any commission, gratuity, money or valuable thing from any person doing work or furnishing material for any work or construction under the charge of such street commissioner or the city engineer of the city.

SEC. 9. The common council shall, in the month of February each year, elect an assessor who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, county and state taxes, and upon the completion of the assessment roll he



shall return the same to the city recorder. In all respects not herein expressly provided for, said assessor shall, in making such assessment, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the state for the government of assessors, including compensation.

Immediately after the assessment roll has been returned to the city recorder, as aforesaid, it shall be the duty of the common council to meet as a board of review in said city, all of whom shall qualify as such board of review, and designate a time and place when they will meet as such board of review for the purpose of performing the duties herein assigned them. Not later than the fourth (4th) Monday in June each year, they, as such board, shall proceed to examine and see that all taxable property in the city of Redwood Falls has been properly placed on the list and duly valued by the assessor.

A majority of such board present shall constitute a quorum for doing business.

The same notice of such meeting of such board shall be given by the recorder, and the board of review shall be governed by the same rules and regulations in the performance of their duties as is, or shall be, prescribed in the general statutes and laws of the state for town boards of review.

The assessor shall, after such review of said assessment, and not later than upon the second (2d) Monday of July in each year, make out a tabular statement of all of the assessments of property in said city and made by him, as directed by said board, and return the same to the county auditor of Redwood county, the same having been verified by said assessor as provided in the General Laws of the state for town assessors. The assessor shall hold his office for one (1) year, or until his successor is elected and qualified. The assessor may also, whenever he shall deem it necessary, appoint a deputy assessor to aid in making the city assessment. Said deputy shall act under direction of the assessor, and shall report to him all his doings as such deputy, and be responsible to such assessor for all his acts. The compensation of such deputy shall be fixed by the common council.

SEC. 10. The common council at their first (1st) meeting after each annual election, or as soon thereafter as may be, may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council shall prescribe his duties and fix the fees and compensation for all services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of said city, and shall be preserved in the office of the surveyor and open to the inspection of all persons interested, and the same, together with all books and papers, shall be delivered over by the surveyor at the time of the expiration of his term of office to his successor or the common council.

SEC. 11. The common council, at their first (1st) meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one (1) week, in such manner as the council may direct, that sealed bids shall be received by the city recorder for doing said printing. The bid or bids received by said recorder to do said printing shall be publicly opened and read by the recorder at such time and place as

the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price, in any newspaper of common circulation published in said city, shall be declared the public printer;

*Provided, however,* that if the common council shall deem it best for the interest of the city to select a person who is not the lowest bidder, they may elect such person public printer, and he shall be declared the city printer for the ensuing year; and in the newspaper designated in said accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of said city to be published in a public newspaper.

The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time and the date or dates at which the same has been published, and such affidavit shall be a *prima facie* evidence of a publication of such notice, ordinance or resolution; *Provided*, that the common council may make such other provisions for publishing its ordinances, by-laws and matters requiring publishing as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 12. If any person, having been an officer of said city, shall not, within one (1) week after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars (\$1,000), besides all damages caused by his neglect or his refusal so to deliver, and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

SEC. 13. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; except the city recorder, who shall receive the sum of one hundred dollars (\$100) per annum, which shall be in full for all his services, including that of clerk of the common council, and all duties imposed upon him in behalf of said city, and shall be paid monthly, at the termination of each month.

The compensation of officers shall be fixed for the fiscal year in the month of January of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer

elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office; *Provided*, that each alderman shall receive compensation for his services as such officer the sum of one (1) dollar for each meeting of said common council during his term of office, whether such meeting be regular or special, at which such alderman is in actual attendance thereon, not to exceed fifteen (15) dollars in any one year.

#### PEACE OFFICERS.

SEC. 14. The mayor or acting mayor and sheriff of the county of Redwood or his deputy or deputies, coroner and each alderman, judge of the municipal court, police officers and watchmen shall be peace officers, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders, and, if need be, of all the citizens and military companies in said city; and if any bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each person so refusing shall forfeit and pay a fine of fifty dollars (\$50) in case of prosecution for such offense, and in default of such payment he shall be committed to the common jail not to exceed sixty (60) days.

In case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct proceedings.

SEC. 15. The mayor shall, by and with the consent of the common council, appoint a health officer, who shall be a licensed physician of regular practice in said city, in good standing in his profession.

It shall be the duty of the health officer to make regular inspections of the city as to matters affecting the health of the citizens. He shall make reports to the state board of health of such facts as may be required by said board.

He shall be *ex-officio* president and executive officer of the board of health established by said city, and perform all duties required of him by any ordinance of this city.

SEC. 16. The mayor shall, by and with the consent of the common council, appoint two (2) health inspectors for said city, who shall have the same authority as police officers in enforcing the ordinances of said city designed to protect the public health, and they, together with the health officer, shall constitute the board of health of said city.

SEC. 17. The common council shall, whenever it is deemed necessary, have the power to appoint a deputy recorder upon the nomination of the recorder, at such time and for such period as it may see fit. He shall have authority, in the absence of the recorder, to transact all business that the recorder is authorized to transact, and may administer oaths and take acknowledgments and affix the corporate seal to all papers and documents which, under the law, shall require said seal, and all acts of said deputy shall have the same validity as those of the recorder.

## CHAPTER IV.

## COMMON COUNCIL—POWERS AND DUTIES.

SECTION 1. The aldermen shall constitute the common council of the city, and the style of all ordinances shall be: "The common council of the city of Redwood Falls do ordain," etc.

The common council shall meet at such time and place as they, by resolution, may direct.

A majority of the aldermen chosen shall constitute a quorum for doing business.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice, to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualifications of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings and have power to compel the attendance of absent members.

SEC. 3. The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the suppression of vice and intemperance and for the prevention of crime as they shall deem expedient; they shall have power to establish and maintain a city prison; *Provided*, that, until otherwise ordered by the common council, the county jail of Redwood county shall be used as a city prison, and it shall be the duty of the sheriff or jailer of Redwood county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law.

The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws, the exclusive right to license and regulate hawkers and peddlers, and also public halls and all other buildings and inclosures used for places of public resort and amusement, and also all that class of stores known as "dollar stores" and all stores of similar character and purposes, and to license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard, pool tables, nine (9) or ten (10) pin alleys, bowling saloons; to grant licenses to and regulate auctions and auctioneers; to license tavern keepers and victualing house keepers and all persons dealing in spirituous, vinous or fermented liquors, and to designate the places and conditions upon which all such liquors may be sold; *Provided*, that all license for so dealing in spirituous, vinous or fermented liquors shall not be less than the minimum sum allowed by the laws of the state, and no license shall be granted for a less term

than one (1) year, and all licenses shall commence and terminate on the twentieth (20th) day of January of each year.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

*Third*—To prevent any riots, disorderly assemblages in said city, and to provide for the arrest of and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and to provide for the arrest and punishment of the keepers thereof and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

*Fourth*—To compel the owner or owners of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

*Fifth*—To regulate or prohibit the slaughtering of animals within said city, or the location or operating of soap or candle factories therein; to direct the location and management of markets, breweries and distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and transportation or removal of gunpowder or other combustible materials.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

*Seventh*—To prevent and punish dangerous and immoderate driving or riding in the streets; to regulate the speed of cars and locomotives in said city, and to prevent their obstructing the streets of said city; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

*Eighth*—To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinance.

*Ninth*—To tax and license dogs; to regulate or prohibit dogs running at large; to impose a penalty upon the owners or keepers of dogs who allow them to be at large in violation of ordinance, and to authorize the impounding or summary killing of dogs found running at large, whether such dogs have been taxed or not.

*Tenth*—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh, or fish or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

*Eleventh*—To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps, and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings,

and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery of said city; to improve and ornament the same, and make all regulations necessary for the government thereof.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Fourteenth*—To prevent all persons riding or driving any horse, mule or ox, or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

*Fifteenth*—To prevent the discharging of firearms or crackers, and to prevent the exhibition of any fireworks in any locality which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

*Sixteenth*—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same; *Provided*, all theatres, saloons, public halls, and all other places to which the public are invited for purposes of business, pleasure, or any other purposes, are, in addition to all other public places, to be considered public places within the meaning of this act.

*Seventeenth*—To restrain and regulate runners, agents and solicitors for boats, vessels, stages, cars and public houses or other establishments.

*Eighteenth*—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

*Nineteenth*—To license and regulate butcher shops and stands for the sale of game, poultry, butcher's meats, butter, fish and other provisions.

*Twentieth*—To regulate the place and manner of weighing and selling hay, and the measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first*—To regulate, control and prevent the landing of persons from cars, vehicles or other conveyances, whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

*Twenty-second*—To regulate the time, manner and place of holding public auctions and vendue.

*Twenty-third*—To provide for watchmen and to prescribe their number and duties and regulate the same, and to create and establish the police of said city and to prescribe the number of police officers and their duties and to regulate the same.

*Twenty-fourth*—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owners or

than one (1) year, and all licenses shall commence and terminate on the twentieth (20th) day of January of each year.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

*Third*—To prevent any riots, disorderly assemblages in said city, and to provide for the arrest of and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and to provide for the arrest and punishment of the keepers thereof and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

*Fourth*—To compel the owner or owners of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

*Fifth*—To regulate or prohibit the slaughtering of animals within said city, or the location or operating of soap or candle factories therein; to direct the location and management of markets, breweries and distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and transportation or removal of gunpowder or other combustible materials.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

*Seventh*—To prevent and punish dangerous and immoderate driving or riding in the streets; to regulate the speed of cars and locomotives in said city, and to prevent their obstructing the streets of said city; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

*Eighth*—To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinance.

*Ninth*—To tax and license dogs; to regulate or prohibit dogs running at large; to impose a penalty upon the owners or keepers of dogs who allow them to be at large in violation of ordinance, and to authorize the impounding or summary killing of dogs found running at large, whether such dogs have been taxed or not.

*Tenth*—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh, or fish or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

*Eleventh*—To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps, and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings,

and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery of said city; to improve and ornament the same, and make all regulations necessary for the government thereof.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Fourteenth*—To prevent all persons riding or driving any horse, mule or ox, or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

*Fifteenth*—To prevent the discharging of firearms or crackers, and to prevent the exhibition of any fireworks in any locality which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

*Sixteenth*—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same; *Provided*, all theatres, saloons, public halls, and all other places to which the public are invited for purposes of business, pleasure, or any other purposes, are, in addition to all other public places, to be considered public places within the meaning of this act.

*Seventeenth*—To restrain and regulate runners, agents and solicitors for boats, vessels, stages, cars and public houses or other establishments.

*Eighteenth*—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

*Nineteenth*—To license and regulate butcher shops and stands for the sale of game, poultry, butcher's meats, butter, fish and other provisions.

*Twentieth*—To regulate the place and manner of weighing and selling hay, and the measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first*—To regulate, control and prevent the landing of persons from cars, vehicles or other conveyances, whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

*Twenty-second*—To regulate the time, manner and place of holding public auctions and vendue.

*Twenty-third*—To provide for watchmen and to prescribe their number and duties and regulate the same, and to create and establish the police of said city and to prescribe the number of police officers and their duties and to regulate the same.

*Twenty-fourth*—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owners or



occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and in case of default of such owners or occupants or destruction of such substances by some officer at the expense of such owners and occupants.

*Twenty-fifth*—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

*Twenty-sixth*—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

*Twenty-seventh*—To remove and abate any nuisance injurious to the public health and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twenty-eighth*—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

*Twenty-ninth*—To do all acts and make all regulations which may be necessary and expedient for the preservation of health or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city and to make quarantine laws and enforce the same within the city.

*Thirtieth*—To restrain and punish tramps, vagrants, mendicants, street beggars and provide for the punishment of the same.

*Thirty-first*—Fines, penalties and punishments imposed by the municipal court for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred (100) dollars and costs of prosecution, and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both, and to be fed on bread and water at the discretion of the judge of the municipal court; and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred (500) dollars.

*Thirty-second*—To license and regulate all peddlers doing business within said city.

*Thirty-third*—To compel the owners of low grounds when water collects or is liable to collect and become stagnant thereon to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

*Thirty-fourth*—To license and regulate hackmen, draymen, expressmen, and all other persons engaged in carrying passengers, baggage or freight; to prescribe standing places or stations within the streets, where such hacks, drays or other vehicles used for such carriage may stand or remain while waiting for business or orders, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of vehicles at such railroad depots or stations or other places within said city.

*Thirty-fifth*—To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen, or the construction and maintenance of gates, and to maintain lights at the crossings of railway tracks over such streets or avenues, as said city council deem necessary to require such precautions.

*Thirty-sixth*—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any portion of the city in its discretion.

*Thirty-seventh*—To regulate the opening of hatchways and compel proper guards about the same, and to provide for the method and manner of constructing balconies and awnings.

*Thirty-eighth*—To regulate the numbering of houses and lots, and compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

*Thirty-ninth*—The common council of the city of Redwood Falls shall have power, in its discretion, within the limits of said city, to alter the name of any street, or to designate the name of any street heretofore or hereafter opened which is not named, and to number lots and blocks which have no number.

*Fortieth*—That the common council shall have power to expend the highway labor and highways moneys beyond the city limits and direct the street commissioner or overseer of highways when and in what particular manner to lay out and expend the same.

*Forty-first*—The common council is authorized to permit the construction and operating of street railways within the said city, and may prescribe the street or streets on which the same may be constructed, and may impose such restrictions and limitations on the same as to the common council may seem proper; but no such privilege shall be granted to any individual, individuals or corporation for a longer period of time than twenty (20) years; and the said common council may also provide for the introduction and use of electric lights within said city, or any other method of lighting the streets of said city, under such regulations as the common council may prescribe.

*Forty-second*—The common council shall have the care, supervision and control of all the highways, avenues, streets, alleys, levees, public parks, public squares and public grounds, within the limits of the city, and shall have power to build and keep in repair, bridge, to lay out, open, alter, vacate and reduce public squares, levees and grounds, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten all streets, lanes and alleys within said city, and to take grounds from the site of public buildings and public parks, subject to the assessment of damages as hereinafter provided.

*Forty-third*—To pass ordinances for the prevention of cruelty to animals.

*Forty-fourth*—To control the erection and maintenance of steam or hot water heating apparatus for heating public and private buildings in said city and for furnishing steam power, and define the manner in which the streets, alleys and public grounds may be occupied with pipes.

*Forty-fifth*—To erect, maintain and furnish hospitals and receive donations for buildings or grounds or for furnishing the same.

*Forty-sixth*—To control, license and regulate skating rinks.

*Forty-seventh*—To make proper ordinances in regard to the inspection of cattle to be slaughtered for beef, and to appoint inspectors in reference to the same.

**SEC. 4.** All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council, by ayes and noes, and such ordinances, resolutions

and by-laws shall be signed by the mayor and countersigned by the recorder and published in the official paper of the city before the same shall be in force.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecution or proceedings in the courts according to law.

SEC. 6. The common council shall examine, audit and adjust the accounts of the treasurer, recorder, street commissioners, municipal court, and all other officers and agents of the city, at such times as they deem proper, and also at the end of each year, before the terms for which the officers of said city were elected or appointed shall expire.

The common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties in pursuance to their provisions of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council or a committee thereof, it shall be the duty of said council to declare the office of such person vacant.

And the common council may institute suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The common council shall cause to be made a full record of all such settlement and adjustment.

SEC. 7. The common council may, during the fiscal year, by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, issue the bonds of said city, bearing interest at not exceeding eight (8) per cent per annum, and for a term not exceeding one (1) year, in such amounts, and in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds outstanding shall not at any one time exceed one-third ( $\frac{1}{3}$ ) of such taxes and revenues; *And provided further*, That said bonds or the proceeds shall be applied to the same purposes as the taxes and revenues in anticipation thereof such bonds may have been issued.

SEC. 8. The fiscal year of said city shall commence on the second (2d) Tuesday after the first (1st) Monday in January of each year.

SEC. 9. The common council may provide by ordinance that any one convicted of an offense before the municipal court of said city, thereby subjecting such offender to punishment by imprisonment under the charter and ordinances of said city, may be kept at hard labor during his term of punishment in such workhouse or upon the public improvements of said city, or both, and may also provide by ordinance that anyone convicted of an offense before said municipal court and committed upon non-payment of fine imposed, may be kept at hard labor in any workhouse of said city aforesaid; or, in case of a male offender, may be kept at hard labor either in such workhouse or upon the improvements of the city, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, for a time not exceeding the time mentioned in such commitment, and the common council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escapes and secure proper discipline, and shall have power to establish a proper workhouse in

said city for the purposes aforesaid, and under such regulations as said common council may prescribe; *Provided*, that the common council aforesaid is hereby authorized to use the Redwood county jail as the workhouse of the city of Redwood Falls provided for in this act, the prisoners of the city to be, as at present, in the custody of the sheriff of Redwood county, except while working on the improvements of said city, when they shall be under the control of the police force of said city; *And provided further*, that the judge of the municipal court of said city shall have power for vagrancy to commit any person to the city prison or workhouse or county jail, or to order any such person to work on the public improvements of said city for a term not exceeding ninety (90) days.

SEC. 10. A copy of the record of any ordinance or resolution heretofore passed and recorded, or that may be hereafter passed, certified by the recorder and verified by the seal of the city, and copy thereof published in the official paper of the city, or printed in the books containing the official proceedings of the common council, or published in any compilation of ordinances made under the direction of the common council, shall be *prima facie* evidence of the contents of such ordinances and regularity of all proceedings relating to the adoption or approval thereof, and shall be admitted as evidence in any court in the state without further proof.

In all actions, prosecutions and proceedings of every kind before the municipal court of said city, such court shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances in said courts.

## CHAPTER V.

### LEVYING OF TAXES.

SECTION 1. The common council shall have power to levy upon all the real and personal property in said city, except such as is by the laws of this state exempt from taxation, taxes to provide for the current expenses of the city government, for the purchase, opening and maintaining of public grounds, and the construction of public buildings, and for improvements of a general character, and for all other expenses which may be incurred, and other improvements that may be made and which are authorized by law; *Provided*, that such taxes shall in no year exceed five (5) mills upon the dollar of the assessed valuation.

SEC. 2. The common council shall have power to levy a tax upon the taxable property of the city for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys.

No debt in behalf of said city shall be incurred or any money expended for any purpose or in any manner, excepting by express authority of this act, either by the city at large, the common council or any other officer or officers of the same, and no order or orders shall be issued upon the treasury exceeding the amount of tax collected or assessed or in process of collection.

SEC. 3. The common council shall have power, and it shall be the duty of the common council, to levy annually upon the taxable property of said city taxes sufficient to pay all bonds or other indebtedness due

and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first (1) day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act for the purchase of public parks or other purposes; *Provided*, the same be authorized by a majority of the voters present and voting at an election to be held for that purpose. The amount of said bonds, rate of interest and time they shall run, also the time, place and manner of holding such election, to be prescribed by the common council, the same notices to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized, except as provided in section seven (7) of chapter four (4) of this act; *Provided*, the common council of said city may issue and negotiate the bonds of said city, for the purpose of redeeming and paying the bonds heretofore issued by said city. Such bonds and the interest thereon to be payable at such times and places as the common council may determine, but said bonds in this proviso mentioned shall not be made payable more than twenty (20) years from the date thereof, nor shall they draw a greater rate of interest than six (6) per cent per annum, interest to be payable at such times as the common council shall direct; nor shall said bonds be negotiated for less than par; said bonds to have interest coupons attached and shall be signed by the mayor and countersigned by the recorder; and it shall be the duty of the common council to levy taxes on the taxable property of said city to pay said bonds and the interest thereon; *Provided further*, said bonds, or the proceeds thereof, shall not be used for any other purpose than is herein specified.

SEC. 4. Taxes may be levied by the resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond or interest tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds, or the purchase thereof before due; if it be for improvements it shall be kept and used for future improvements of the same character.

SEC. 5. The common council shall cause to be transmitted to the county auditor of Redwood county, on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced, with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said Redwood county shall pay such taxes over as fast as collected to the treasurer of said city.

SEC. 6. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders signed by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate.

SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city between the ages of twenty-one (21) and fifty (50) respectively; *Provided*, that said tax shall not in any one (1) year exceed the sum of two (2) dollars on each person. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by highway supervisors, as provided by the laws of the state, and shall report to the common council when required.

## CHAPTER VI.

### STREETS, SIDEWALKS AND PUBLIC GROUNDS.

SECTION 1. The common council shall have the care, supervision and control of all the highways, bridges, streets, sidewalks, alleys, public squares and grounds within the limits of the city, and shall have power to build and keep in repair all bridges, streets, public squares and highways within said city, and to lay out, open or alter, widen, straighten or extend the same, and to take grounds for the site of public buildings or for public parks, subject to the assessment of damages as hereinafter provided.

SEC. 2. The common council shall have power to order and contract for the opening, grading and repairing of all streets and public grounds within the city, and for cleansing reservoirs, cisterns and filters, and to direct and control the persons employed thereon.

SEC. 3. The common council may order sidewalks to be constructed on any street in front of and along any one or more lots or parcels of land in said city, at the expense of such lot or parcel of land, upon the petition to the common council of said city, signed by the owners of the lots or land adjoining such sidewalk and which signers shall also own more than one-half ( $\frac{1}{2}$ ) in area of the real estate adjoining said improvement which may by the common council be deemed to be especially benefited by such improvements, which petition shall be in writing and shall describe the lots or parcels of land to be affected thereby. Whenever any such petition shall be received by the common council they shall fix and cause to be entered upon the records a time and place when and where such petition will be acted upon, which time shall not be less than ten (10) days or more than twenty (20) days from the date of the reception of such petition by said council, and shall give notice to all persons owning or claiming an interest in or lien upon such lot or parcel of land, and to all persons interested in ordering said sidewalks, of the reception of such petition and of the time and place when and where such petition will be acted upon by publishing a notice thereof in the official paper of the city two (2) weeks, the last of which publication shall be at least two (2) days before the day of hearing on said petition; and in such notice the several lots or parcels of land adjoining such sidewalks so petitioned to be built shall be described with reasonable certainty. Upon such notice being given, the common council shall have jurisdiction to inquire into the

advisability of building such sidewalk and to order such sidewalk adjoining each lot or parcel of land built at the expense of such lot or parcel of land along which such sidewalk is ordered, and to enforce the construction thereof as hereinafter provided.

The common council shall meet at the time and place so fixed in said notice, and shall hear all statements and reasons for or against the ordering of the construction of said sidewalk, and may adjourn from time to time, and after such hearing, if the common council shall determine that the public convenience will be promoted by the building of such sidewalk and that the expense is not disproportionate to the benefits conferred, the common council shall order such sidewalk to be constructed at the expense of the owners of each lot or parcel of land adjoining such lot, and that such expense and cost of building such sidewalk, if it shall finally be built by the city as hereinafter provided, shall be a charge and lien upon said lot or lots and parcels of land adjoining which it is built as aforesaid, and in said order the common council shall determine the materials out of which said sidewalk shall be constructed, giving dimensions and quantity of such material, the width of said sidewalk, and any other qualifications which said sidewalks shall have, and also the time within which said sidewalks shall be built by the owners of said lots or parcels of land adjoining the same, which time shall not be less than twenty (20) days from the time of the date of said order.

Such order shall be published one (1) time in the official paper of said city and at least ten (10) days before the time expires within which such sidewalk may be constructed by the lot owner as aforesaid. If such sidewalk so ordered, or any portion of the same, be not constructed by each lot owner within the time specified in such order, or if said sidewalk be built by such lot owner in an imperfect, negligent and unsubstantial manner, and without regard to the order of the common council made with reference thereto, the common council may cause the same to be built, in obedience to said order and as therein directed in said order, by and under the direction of the street commissioner of said city. The street commissioner shall keep an accurate and detailed statement of account of each item of material and labor that were necessarily and actually employed in building said sidewalk, and the actual cost and expense of such item as aforesaid, as applied to each separate lot or parcel of land adjoining said sidewalk, keeping all such items and expenses of said sidewalks adjoining each lot separately by itself, taking due pains to obtain the exact measurement of each lot in linear dimensions along side of said sidewalk, and after said sidewalk is completed said street commissioner shall make up a detailed statement and report of the building of said sidewalk, which report shall contain a full and itemized account of all materials and labor and cost of the same, each lot or parcel of land by itself as aforesaid, and shall forthwith file said report with the city recorder, who shall present said report to the common council at their next regular meeting thereafter. It shall be the duty of the common council to examine said report with reference to all the requirements of such report herein specified, and if found to be made as herein directed, they shall accept of the same; if not made as herein directed they shall order it returned to said street commissioner for amendment or revision in such respects and within such time as said common council may require.

Upon the final acceptance of said report the common council shall assess the cost of constructing such sidewalk alongside of each separate lot or parcel of land to that lot or parcel of land adjoining and alongside of which said sidewalk is built, and which amount so assessed to each lot or parcel of land adjoining said sidewalk as aforesaid shall become an immediate lien upon such lot or parcel of land upon which such amount is assessed as aforesaid; and at or before the time required by law for reporting to the auditor of Redwood county the taxes levied for that year, and after the giving of the notice that said taxes upon said lots and parcels of land assessed as aforesaid will be returned to said county auditor, as in this act hereinafter provided, said tax or assessment upon said lots or parcels of land as aforesaid being unpaid, the city recorder shall certify the amount of such special assessments and the description of the lot or parcel of land upon which each assessment is a lien, respectively as aforesaid, to the county auditor of Redwood county, and thereupon it shall be the duty of the county auditor to extend such special assessment against such lot or parcel of land in the annual tax duplicate, and the same shall be collected and paid over in the same manner as other taxes on real property.

SEC. 4. It shall be the duty of the street commissioner, or some one under his direction, to travel over and examine all the sidewalks constructed upon all the streets of said city on which a grade has been established under the directions of the common council of the city of Redwood Falls, once in each month during his term of office, excepting at such times when such examination would be impracticable on account of the depth of snow upon said sidewalks.

SEC. 5. When any sidewalk in said city heretofore or hereafter constructed shall have become defective and out of repair, whether such sidewalk shall have been constructed under the direction of the common council or not, it shall be the duty of the street commissioner, immediately upon discovering such defects, to notify the owner of the lot or parcel of land adjoining such defective sidewalk, personally, to repair the same forthwith in a good and substantial manner. If such land owner refuses or neglects so to do, it shall be the duty of the street commissioner to take immediate and all necessary steps for the repair of said sidewalk and to supervise and direct such repairs, and to make such repairs, or cause them to be made, in a thorough and workmanlike manner, and to keep an accurate and itemized statement of the descriptions of the lot or parcel of land adjoining or abutting upon the said sidewalk so repaired, and of all costs of labor and material incurred or used in making such repairs, and immediately to make a report in writing of such items, cost, and descriptions of the lot or parcel of land adjoining the same to the common council, which report shall be filed with the city recorder, and at the next regular meeting of the common council such report shall be presented to them for their action, to be accepted or rejected by said common council in the same manner as prescribed in section three (3) of this chapter in cases of the building of sidewalks, after which a special assessment of all costs of repairs upon the lots adjoining the sidewalk shall be made by the common council, which assessment shall be a lien upon such lots. After notice given, as hereinafter provided for special assessments in said city, the city recorder shall return such assessment to the auditor of Redwood county, in the same way and with like



effect as provided in section three (3) of this chapter; *Provided*, in case the land owner of the adjoining lot or parcel of land is a non-resident of said city the street commissioner may notify the occupant of said adjoining lot or parcel of land, as provided in this section.

If there be no occupant, or if such non-resident have no agent resident of said city known to the street commissioner, no notice need be given under the provisions of this section.

SEC. 6. It shall be the express duty of the street commissioner of said city to do and perform all the acts required of him in this chapter, and he and his bondsmen shall be liable to said city for any damages which the said city shall be compelled to pay because of the refusal or negligence of the said street commissioner in not doing, or causing to be done, his duties as prescribed in this chapter.

SEC. 7. The common council shall order and cause to be built, without petition, any sidewalks adjoining any lots or parcels of land owned by himself, or adjoining any property exempt by law from taxation, and all crosswalks in said city.

The expense of building and keeping in repair all such sidewalks shall be paid out of the general fund.

SEC. 8. The common council may, in cases where, in the judgment of said council, the public necessities require it, order the construction of sidewalks in any part of said city, without petition. After the common council have determined that the public necessity and convenience require the construction of any sidewalks in said city, no petition for building which having been made, or such petition, if made, having been rejected by the common council, they shall publish a notice in the official paper of said city of their determination in this respect, and of the time and place when and where they shall meet to act upon such proposition to build such sidewalk; which notice shall be published in the same way and for the same time as is provided for a like notice in section three (3) of this chapter. At the time of said hearing the same action shall be taken, and all subsequent proceedings shall be the same, with the like results and effects as are stated in section three (3) of this chapter for building sidewalks upon petition.

SEC. 9. No action shall be maintained against the city on account of any injuries received because of any defects existing in the condition of any highway, bridge, street, sidewalk or thoroughfare in said city, unless the grade of such street or highway, upon which such injury happened, has been established or shall hereafter be established by the common council of said city, or under its direction, and not unless such action shall be commenced within one (1) year from the happening of the injury complained of, nor unless a notice shall have first been made in writing and served upon the mayor of said city, within thirty (30) days after the happening of such injury, exclusive of the day of such service, stating therein the place where and when such injuries are claimed to have been received, and that the person so injured will claim damages for such injury of said city. But the notice shall not be required when the person so injured shall, in consequence or for other cause, be bereft of reason during all the time within which such notice is herein required to be made.

SEC. 10. In the prosecutions of said actions against said city for personal injuries, growing out of defective or poorly constructed sidewalks, it shall be necessary, in order to maintain said action, for the

plaintiff to allege and prove that the defect or want of repair complained of existed for more than thirty-five (35) days immediately prior to the time of the happening of the injury, or that the said city had actual notice and knowledge of such defects or want of repair at the time that such injury happened.

SEC. 11. In all cases in which any person, company or corporation who shall negligently or carelessly or without regard for the rights of the public do, or cause to be done, or omit to do, any act or thing, whether in his or its own behalf or not, including contractors with said city, by means or because of which negligent acts or omission of any such person, company or corporation, injuries have resulted, and for which injuries so caused the said city would be liable in damage to the party so injured, such person, company or corporation, and, in case of contractors with said city, they alone or they and their bondsmen shall be liable to any person, company or corporation so injured for all damages not caused by or contributed to by the negligence of the party injured of whatever kind such injuries be or to whomsoever resulting. And no action shall be maintained against said city for such damages unless such person, company or corporation, and, in case of contractors with said city giving bonds, themselves and their bondsmen, be joined as defendants in said action, and in case of judgment rendered against the defendants in such action, execution shall first (1st) be issued against the defendant whose negligence first (1st) caused such injury, or against such defendant and his bondsmen alone; and the city shall not be required to take any steps to pay such judgment until such execution shall be returned unsatisfied.

If the said city shall pay such judgment, it shall become the owner of the same and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against such defendants and to take such other proceedings as judgment creditors are entitled to take in such actions.

SEC. 12. The common council shall have exclusive power to vacate or discontinue public streets, lanes, alleys and highways, or any portion thereof in said city, but no such vacation or discontinuance shall be granted or ordered by the common council, except upon the verified petition in writing of one or more of the owners of real property on the line of the street, lane, alley or highway.

Such petition shall state the reasons for such vacation, and briefly describe the street, lane, alley, or portions thereof, desired to be vacated.

The common council, upon presentation of such petition at any regular or special meeting of the same, and if it is deemed expedient that the matter shall be proceeded with, shall order such petition to be filed with the city recorder, who shall immediately make and publish in the official paper of the city a notice, for the period of three (3) successive weeks, at least once in each week, stating that such petition has been filed with the city recorder and its object in brief, and that such petition will be heard and considered by the common council at a certain time and place specified therein, which time and place shall be fixed by the common council at the time of the acceptance of such petition, and the time of hearing such petition shall be fixed within fifteen (15) days after the expiration of the time of publishing the same.

The common council, at the time and place appointed, shall investigate and consider the subject involved in said petition, and, if they desire, shall view the premises and shall have [hear] testimony on either or both sides, if offered.

The common council after hearing such petition may, by resolution passed by two-thirds ( $\frac{2}{3}$ ) vote of its members, grant the prayer of the petition, and order and declare such street, alley, lane or highway vacated and discontinued.

A copy of such resolution duly certified by the recorder shall, immediately after such publication, be filed with the register of deeds of Redwood county and duly recorded in his office.

SEC. 13. The common council, whenever in their judgment, as expressed by a majority vote thereof, the public necessities require it, may order any sidewalk in said city to be built of cement, brick or stone, and they may, in their discretion, reject any petition for building a wood sidewalk, and demand that one be presented for the building of a stone, brick or cement sidewalk.

On the refusal of those interested in said sidewalk to so petition, the common council may, in their discretion, if in their judgment the public good will be best subserved thereby, require such sidewalk to be built of stone, brick or cement, without petition, in the manner herein provided in section eight (8) of this chapter, or may order repairs of sidewalks in said city by displacing and removing wooden sidewalks and placing cement or stone sidewalks in the place thereof.

It shall be the duty of the common council, having determined upon repairing any defective sidewalk by displacing such sidewalk and substituting in the place thereof a cement, brick or stone sidewalk, to cause a written notice of how and within what time such repairs are to be made to be served upon the owner of the lot or parcel of land adjoining such sidewalk, if such owner can be found. If he cannot be found, or being found, neglects or refuses to repair said sidewalk by building the same of stone or cement or in the manner and within the time ordered by the common council, it shall be then the duty of the common council to order the street commissioner to build such sidewalk, or repair the same, in such manner and with such material as they may order, and which the street commissioner shall then immediately proceed to do, keeping itemized accounts and proceeding in the same way as provided in section five (5) of this chapter; the assessment therefor to be made and returned to the county auditor of Redwood county in the same way and with the same results and effects as provided in section three (3) of this chapter.

## CHAPTER VII.

### FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed, or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such manner and of such material as, in the judgment of the council, shall not be dangerous to sur-

rounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise, to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure, or materials therefor, hereafter erected, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit; and the common council may prescribe penalties for the violation of any of the provisions of this section of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by the municipal court of the city, upon the complaint of any citizen prosecuting such offender, in the manner provided by law.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and fire apparatus used in or about any building, and to cause the same to be removed or placed in a safe or secure condition, when considered dangerous;

To prevent the deposit of ashes in unsafe places, and the throwing of ashes into streets and alleys;

To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire;

To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires;

To regulate and prevent the use of firearms and fireworks;

To compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same.

To authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishing of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishing of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishing of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company which may be authorized to be formed shall be exempt from highway work and poll-tax, from serving on juries and from military duty during the continuance of such membership. The common council may make such provisions for compensation to firemen, or for the purpose of supporting and keeping up organizations of firemen, as they may see fit.

SEC. 4. The common council shall annually appoint a chief engineer of the fire department of said city, and provide, by ordinance,

for such other officers and men as may be deemed necessary for such department, and define the respective work and duties of such chief engineer and other officers and men and their compensations. The chief engineer shall nominate, for the approval of the common council, all other officers and men connected with such department, and may, at any time, by and with the consent of the standing committee on fire department of the common council, remove or discharge such officers or men as he may deem it for the interests of the city to discharge.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or to direct any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such punishment as the common council may prescribe, not exceeding a fine of fifty (\$50) dollars.

SEC. 6. The common council shall appoint a fire marshal of said city to see that the ordinances of the city relating to the building and care of chimneys, and that all other precautions against dangers from fire, are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such building, and see that the ordinances of the city respecting the same are enforced. The common council may require such fire marshal to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same, and make report thereof to the common council when required.

## CHAPTER VIII.

### LIGHTING OF STREETS.

SECTION 1. The common council shall have authority to contract with any persons or corporations for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

SEC. 2. The common council may permit the laying of such gas pipes or erection of poles or wires in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

SEC. 3. The common council may erect and maintain an electric plant, and erect poles in the streets, alleys and public grounds and string wires thereon, and light the city and public buildings, and furnish light for private parties, upon such terms and conditions as shall be prescribed by said council.

## CHAPTER IX.

## WATER WORKS AND SEWERS.

SECTION 1. The city council shall have power to construct and maintain water works and sewers, to enlarge, relay, extend and improve the same, or to contract or construct a new system of water works and sewers at any time when the said common council shall see fit to do so.

SEC. 2. Whenever, in doing any act under section one (1) of this chapter authorized therein to be done it shall, in the judgment of the common council, be necessary to take any private property, consisting either of land, buildings, water power or private property, the common council shall have power to acquire the same by purchase or by condemnation in the manner in this act provided, and in such case of condemnation, as well as purchase, a full title in fee simple for the property acquired shall rest in said city.

SEC. 3. Whenever water mains shall be laid, relaid or extended through any street or alley of said city, or any portion thereof, the city council shall have power, and it shall be its duty, to levy and collect, by special assessment, such portions of the cost and expense thereof as shall not exceed the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves and all necessary specials, by a special assessment upon the lots or parcels of land upon both sides of said streets, or alley fronting on such improvement of an equal sum per foot without regard to cash valuation.

The cost not provided for by such assessment, including the nominal cost of larger mains and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property which is by law exempt from taxation or against real estate owned by the said city, shall be paid out of the water works fund, if such fund there be; if not, out of the general fund.

SEC. 4. The city council may, in like manner, whenever it shall deem it necessary, lay, relay or extend any sewer through any street in said city, and levy and assess and collect the cost thereof, not exceeding the estimated cost of a sewer eighteen (18) inches in diameter, including all necessary catch basements, manholes, dump holes and flushing valves, by a special assessment upon the property on both sides of such street and abutting on such improvement, of an equal sum per front foot without regard to cash valuation.

The cost not provided for by such assessment, including the increased cost of larger sewers and constructing the same across streets and against property which is by law exempt from such assessment shall be paid out of the sewer fund of said city. A sewer eighteen (18) inches in diameter is hereby declared to be an ordinary street sewer within the meaning of this act, for the drainage of abutting property. Or instead of the plan above proposed the city council may, for all sewers constructed, laid, relaid or extended during any one season, levy and collect an equal sum per front foot without regard to the cash valuation of such property and without regard to the size of the sewer by a special assessment upon all the property not exempt, on both sides of all the streets along which such sewers shall be constructed, laid, relaid or extended and abutting upon the same, which sum shall not exceed the sum of two (2) dollars per lineal foot of such sewers.

The cost in excess of said sum and the cost of such sewers upon street crossings and against property which is by law exempt from such assessment shall be paid out of the sewer funds of said city. To authorize the following of this plan, the city council shall first determine what portion of the cost of such sewers, not exceeding the sum per lineal foot above named, is the just and fair proportion of such cost which should be borne by the abutting property, and shall, by resolution, name and fix the amount per lineal foot to be such just and fair proportion. Thereupon this shall be the plan to be followed, and the amount so named and fixed shall be and remain in all cases the portion of the cost of all sewers constructed, made, relaid or extended in such city which shall be levied upon, assessed against and collected of abutting property until a different amount be, by like resolution of the city council, named and fixed, or until the city council, by resolution, determines to adopt and follow the other plan first above proposed; *Provided*, that in case of a reassessment for any cause the city council may direct that the reassessment be made upon either of the plans here proposed without regard to which plan was adopted in the first instance.

SEC. 5. In view of the foregoing provisions of this chapter the common council, at their option, shall have the power to construct water works, or to contract with any person, company or corporation for supplying water for the use of said city, and may establish rates for which such water may be furnished to individuals, and may make all necessary rates and regulations for the management and control of said water works and for the purpose of furnishing a supply of water. The common council, or those with whom it may have contracted to obtain water, are hereby authorized to draw water for said city from any lakes, rivers or creeks within the said county of Redwood, by means of pipes, ditches, drains, aqueducts or other means, and construct dams, bulkheads, gates or other needful structures and means for controlling water and for obtaining it, and also may obtain water in any other way, by causing wells to be dug or bored and reservoirs to be made, or by any other feasible and reasonable method that the common council may see fit to adopt.

And, for the purpose of constructing said water works, the right of way may be obtained over and across any land needed therefor, by proceeding in the way and manner provided for the condemnation of land or real estate for laying out, opening or altering any street, lane alley or highway in said city, except that no petition shall be necessary in any proceeding under this act.

SEC. 6. Whenever the common council shall determine to construct water works, it shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city or outside of said city. And said council shall have the right to condemn land for pumping stations, reservoirs and such other lands as may be necessary to perfect and carry out a complete system of water works for said city, and like proceedings shall be had by the common council for the condemnation of any such lands as are now had for taxing [taking] property for opening, widening or extending any street or alley in said city. And said common council is hereby authorized and empowered, by ordinance or resolution, to establish, create and define by metes and bounds such portion of the lands, lots and territory included in said city to be especially benefited by such water works,

and designate the same as the "water district" in said city, and of the amount to be raised annually to pay the interest upon the cost and expense of the construction of said water works fifty (50) per cent thereof shall be assessed and levied annually upon the said water district and the property thereof; and the remaining amount, necessary to pay said interest upon the cost of such construction, shall be levied annually on the city at large, and which said several assessments and levies shall be assessed and levied and collected in the same manner as the other general taxes are levied and collected in said city.

SEC. 7. In addition to all other powers conferred upon said common council, they are authorized to and shall assess upon each and every lot and parcel of land in the city of Redwood Falls, that is lawfully assessable or in front of which water pipes are laid, an annual tax or assessment of five (5) cents per lineal foot of the frontage of such lot or parcel of land, and which shall be a lien upon such lot or parcel of land, and shall be collected as hereinafter provided.

SEC. 8. The said common council shall make up, on or before the first (1st) day of November in each and every year, a detailed statement, duly certified to by the president and clerk of said council and under the seal thereof, for the tax or assessment described in the foregoing section, for the year preceding and ending on the first (1st) day of October, which statement shall be transmitted to the county auditor of Redwood county as delinquent taxes for collection; whereupon it shall be the duty of the county auditor to extend the same on his rolls against the said property, in said statement as aforesaid, for collection, and if not paid within the time prescribed by law, then the same shall become a lien upon said real estate, and said real estate shall be subject to all penalties and charges as property delinquent for taxes for county and state purposes. All moneys collected paid into the treasury of Redwood county, on account of said assessments or taxes, shall be paid over from time to time to the city treasurer of Redwood Falls, to be placed to the credit of the water works fund.

SEC. 9. In case the common council shall contract with any other person or company to supply the water for the city, and shall by the terms of such contract agree to pay an annual stipulated sum or amount for such supply, the common council is hereby authorized, empowered and directed to levy fifty (50) per cent of said amount upon said water district and the property thereof, and the balance of the amount on the city at large, which said assessments, liens and collections are to be made and conducted in the same manner as the general taxes in said city are levied and collected.

SEC. 10. In case the common council shall, at any time, conclude to extend any water mains or pipes beyond the limit of said water district, it shall, by ordinance or resolution, so change the lines and limits of said water district so as to include in said water district, all such land, lots, territory and property which shall be especially benefited by reason of such change or extension of said water mains or pipes.

SEC. 11. The common council, in order to carry out a system of general sewerage or water works in said city, if authorized so to do by a majority of the electors of said city, who, at any general or special election, may have voted on the question of issuing such bonds, may



issue the bonds of said city for any amount not exceeding thirty thousand dollars (\$30,000) for either water works or sewerage purposes or both, such bonds to run such length of time and to bear such rate of interest as the common council may determine, not exceeding six (6) per cent per annum. Any such election for voting on said question may be called by the common council at any time when, in their judgment, the public necessities require it.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two-thirds ( $\frac{2}{3}$ ) of the aldermen elect.

SEC. 3. In all prosecutions for any violation of this act the first process shall be by warrant or complaint being made; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance or by-law of the city of Redwood Falls, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, processes or writs by the municipal court for the violation of any ordinance and by-laws of said city shall be directed to the sheriff or any constable of Redwood county or any police officer of said city. All actions or proceedings for any violation of the provisions of this act or of the ordinances, by-laws or police or health regulations made in pursuance thereof, or to recover any penalty or forfeiture thereunder, shall be brought in the corporate name of the city; *Provided*, that the style of all process shall be: "The State of Minnesota."

SEC. 4. In all cases of the imposition of any fine or penalty, by the municipal court of said city, pursuant to any statutes of the State of Minnesota, or pursuant to any ordinance or by-law of the said city of Redwood Falls, as punishment for any statutory offense or for the violation of any ordinance or by-law as aforesaid, upon default of payment of such fine the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Redwood county, and be there imprisoned for a term not exceeding ninety (90) days in the discretion of the municipal court, and from the time of the arrest of any person or persons for any offense whatever until the time of trial the person or persons so arrested, not giving bail, may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county of Redwood.

SEC. 5. No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 6. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer by leaving a copy of such process with the mayor or acting mayor; and

it shall be the duty of the mayor forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

SEC. 7. The said city may purchase and hold real and personal estate for public parks, city hall, engine houses and for all other public purposes, sufficient for the convenience of the citizens and inhabitants of said city, and may sell and convey the same, and the same shall be free from taxation.

SEC. 8. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 9. The city of Redwood Falls shall be liable for the board and jail fees of any person who may be committed by any officer or magistrate of said city to the jail of Redwood county for the violation of any ordinance or by-law of said city; but such board and jail fees shall not be more than allowed by law for other prisoners confined in said jail.

SEC. 10. The street commissioner shall collect the corporation or poll tax which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required.

SEC. 11. The mayor, by and with the advice of the common council, shall appoint a poundmaster, who shall have the same authority as police officers in enforcing the ordinance of said city against cattle or other animals running at large, and for impounding the same.

SEC. 12. The common council may from time to time provide for the compilation and publication of the ordinances of the city and such resolutions as may be designated, and for the distribution or sale of copies of such compilation, in its discretion, and may also provide for exchange of such printed compilations for similar publications of other cities.

SEC. 13. The common council of said city may employ such attorneys or counselors, from time to time, as they may see fit, to assist the city attorney, and to perform any professional business in behalf of said city that may be assigned them by the common council, and may provide for paying for all such services so heretofore or hereafter rendered to said city.

SEC. 14. All bonds for the payment of money, issued by said city, shall be under the seal of said city, and shall be signed by the mayor and countersigned by the city recorder, and shall, upon their face, express the object for which they are issued.

SEC. 15. Whenever any party is joined with said city as co-defendant in any action for personal injury or otherwise, brought against said city, and for which provision has been made in this act, and such a party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant by publication upon like evidence and in the same manner as prescribed by general law for service by publication in other actions.

SEC. 16. No railway company or street railway company shall have any right, in clearing their tracks through any part of said city, to pile up snow or other material, and leave the same piled on any traveled portion of any street in said city. And any such company shall

be liable to any person who shall be injured because of any such obstruction so left by such company or its servants, for all damages sustained. And in case of any damages shall be recovered against said city for injuries caused by such obstruction, the city shall have the right to recover such damages from the company by whom the obstruction was caused.

SEC. 17. The common council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, whenever it shall deem the safety of the city requires it.

SEC. 18. The common council shall have the power to establish grades of streets, and, by two-thirds ( $\frac{2}{3}$ ) vote of all members, change the grade of any street now established. It shall keep accurate profiles of the grades of all streets so made in the office of the city engineer or recorder.

SEC. 19. The salaries of all officers of said city shall be payable quarterly.

## CHAPTER XI.

### SINKING FUND.

SECTION 1. The mayor, recorder, treasurer of said city and chairman of the committee of ways and means of the common council of said city shall constitute a board of sinking fund commissioners, of which the mayor shall be president, the recorder secretary, and the treasurer shall be treasurer of said board.

SEC. 2. The common council of the said city is hereby authorized to create a sinking fund for said city, the proceeds of which shall be applied exclusively to the purchase of bonds issued by said city, and the common council of said city may provide for such sinking fund as follows:

*First*—Of the surplus remaining in the treasury at the end of each fiscal year, after the payments are made or appropriate amounts set aside for the payment of either principal or interest on bonds issued by said city, of the moneys received for that purpose.

*Second*—The proceeds of all delinquent taxes levied for the same purpose, and the common council may from time to time direct that said money so derived, or any portion thereof, be placed to the credit of the sinking fund.

*Third*—The common council are hereby authorized and empowered to levy annually on all taxable property of said city not more than two (2) mills on the dollar of the assessed valuation, which money, as fast as received, shall be placed to the credit of the sinking fund.

SEC. 3. The board shall, from time to time, when money in suitable amounts is placed to the credit of the sinking fund, invest the same in the outstanding bonds of said city, provided the same can be purchased at not more than the market price not exceeding the par value thereof; and if at any time such investments cannot be made at par or less, then the said board shall be authorized to invest said moneys in bonds of the state of Minnesota or in United States bonds; and whenever the said board shall have invested any part of said fund in the purchase of bonds of the state or of the United States, and shall at any time thereafter be enabled to purchase any of the city bonds at such prices as they may judge best for the public interest, within the restrictions

above provided, they shall forthwith sell and dispose of the same and invest in the city bonds; *Provided, however*, that no such purchase, investment or sale shall be made until the same shall have been first authorized by the common council of said city.

SEC. 4. Whenever the said board shall purchase any city bonds they shall proceed to cancel the same in the presence of the common council at their next regular meeting, and such cancellation shall be entered on the records of the common council, noting the number, character and amount of each bond and the number and amount of coupons attached thereto.

SEC. 5. Any three of the board, of whom the recorder shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them by this act, and shall not be entitled to receive any additional compensation or salary for such services.

SEC. 6. Whenever any of the moneys constituting the sinking fund shall be required for any such purchase or investments as are in this chapter mentioned, the amount of money required shall be paid by the treasurer of said city upon a warrant signed by the said board or any three (3) of them, the recorder being one, who shall affix the seal of the city thereto.

SEC. 7. The said board shall meet at any time upon the call of the mayor or by two (2) members thereof. The mayor shall preside at such meetings. It shall be the duty of the recorder to keep a correct journal of the proceedings of said board, and once a year, or oftener, if required, they shall render to the common council a full and detailed report of the proceedings of said board.

SEC. 8. No money shall be borrowed or taken from this fund to aid any other fund of said city, nor shall this fund, by vote of the common council or otherwise, be used for any other purpose than for the one in this chapter designated, anything to the contrary in this act notwithstanding.

## CHAPTER XII.

### CONDEMNATION OF PRIVATE PROPERTY AND ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. Whenever the common council shall consider it necessary to take or procure land, real property or easement for any park, common or public grounds, engine house, markets or public buildings, or for water works or any steam or water power or water works, the mayor of said city shall make a written application to the judge of the municipal court of said city to appoint three (3) commissioners to perform the duties hereinafter assigned them in respect to such improvement.

Upon such application it shall be the duty of the judge of said court to appoint as such commissioners three (3) persons of good business qualifications and as nearly disinterested as possible, who shall be freeholders of said city and qualified electors therein and who shall have been residents of said city for at least three (3) years immediately prior to said appointment and none of whom shall be an officer of said city or occupy any position of trust under the authority of said city, either directly or indirectly or in any way whatsoever.

Such appointment shall be made by said judge in writing, as soon as may be after such application, and transmitted to and filed by the

recorder of said city in his office, together with the written application of said mayor to said judge, which filing shall become *prima facie* proof of such appointment and of the regularity of the same.

It shall be the duty of the city recorder to immediately notify each one of such commissioners of such appointment personally if possible, otherwise through the mail, and request each of said commissioners to immediately qualify, and to attend to such duties as by this act are assigned them, designating in said notice a time and place when they shall so meet.

Two (2) or more of such commissioners shall constitute a quorum and be competent to do any act herein required of them. If any commissioner so appointed and duly notified shall refuse to qualify as such commissioner or neglect to attend to his duties as herein provided he shall forfeit and pay to the city of Redwood Falls the sum of fifty (50) dollars to be recovered of him to the use of said city in a civil action brought for that purpose in the municipal court of said city.

And in case a quorum of such commissioners shall not so attend at the time and place designated by the city recorder in said notice, the mayor, or in case of his inability to act the acting mayor, may appoint in writing one or more commissioners to act in the place or instead of such absentee, observing the same rule as to qualification as is stated above.

The commissioners shall be sworn by the clerk or any officer authorized to administer oaths to discharge their duties as such commissioners in the matter required of them with fidelity and impartiality and make due returns of their actions to the city council. They shall give notice by two (2) publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at a place designated in such notice, which shall be on or near the premises proposed to be taken or appropriated, and ascertain and award therefor compensation and damages to the owners thereof, and that they will then and there hear all testimony, allegations and proofs with regard to the value of the same, or any other matter appertaining to the taking and appropriating of said property which interested persons may see fit to offer. Such notice shall, if possible, also be served personally upon all parties interested; in case of infants, upon their guardian or next friend; otherwise upon a person of suitable age and discretion at the last or usual place of abode of such interested party.

Such commissioners shall meet and view the premises at the time and place designated in said notice, and may adjourn from time to time; and, having viewed the premises may, for the purpose of hearing of evidence and the preparation of their award, adjourn or go to any other convenient place in said city, proclaiming and giving public notice of such time and place to which they may adjourn at the time such adjournment is made, always keeping a perfect record of all adjournments and proceedings. And such commissioners shall make a true, just and impartial appraisal and award of the compensation and damage to be paid to each person, company or corporation whose property, interest or easement is to be so taken and appropriated, and shall report the same to the city council, and such award shall lie over until the next regular meeting of the council which shall occur at least one week after the reception of such report,

at which or at any subsequent time the city council may act on such award and hear any objections made thereto, or may refer the matter to a committee to hear objections and report to them. The common council may confirm such award or annul the same, or send the same back to the said commissioners for further consideration. The common council shall give notice, to be published once in the official paper of said city, of a time and place when they will meet to hear evidence that may be adduced by interested persons with regard to the taking of said property, which time shall be at least two (2) days after the publication of such notice, and shall, as far as possible, serve such notice upon all interested parties. Such meeting being had by said common council, according to said notice, they may adjourn from time to time and for purpose of hearing evidence respecting the taking of such property; *Provided*, that if any change or alteration is made in the amount, terms or conditions of said award, such change or alteration shall be made by the commissioners themselves, and not by the common council. After such award is finally made by said commissioners, they shall report the same to the common council, who may confirm or annul the same; *Provided*, at least one (1) week shall elapse between the time of filing such award by the commissioners and final action thereon by the common council, in order to give opportunity for appeal. When any such award shall be confirmed by the common council, the same shall be final and conclusive upon all parties interested, excepting as hereinafter provided; *Provided*, that notices being given as in this section provided shall be deemed and held to be a sufficient legal notice or notices to all persons interested to appear before such commissioners for the purpose of offering such objection or producing such evidence as they may see fit to do, as hereinbefore provided.

SEC. 2. Whenever an award of compensation and damages shall be confirmed by the city council and not appealed from, and whenever the same, when appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid to the owners of such property the amount awarded to each severally.

Upon the payment of said award or appropriation, or the setting apart of the money in the city treasury, there to remain to be paid unconditionally to the parties entitled to the same on demand, the city shall become vested with the title to the property taken and condemned, absolutely, for all purposes for which the city may ever have occasion to use the same, and may forthwith enter upon and use the same.

This section shall apply as well to all cases of appropriation of private property for public use, provided for in this act, excepting as to the appointment of commissioners.

SEC. 3. Whenever the common council shall so determine to take private property for public use, as provided in section one (1) of this chapter, they may, if they think best, prior to the time of the appointment of said commissioners, appoint a committee of not less than three (3) of their own members, who, together with the city engineer, may make examination and propose to the city council a location suitable for such engine house, market or other public building, or

for water works or public grounds, as the case may be, and if for water works, the amount of power deemed necessary to be taken and appropriated, and may present to the city council a plat of the land proposed to be taken.

SEC. 4. Such committee shall file their report with the city recorder, who shall give notice by publication twice in the official paper of said city that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a meeting of said council to be named in such notice. The council, under such rules as it may prescribe, may hear any person interested in the matter at that time.

## CHAPTER XIII.

### LAYING OUT NEW STREETS.

SECTION 1. Whenever the common council shall vote, as they are hereby authorized to do so, to lay out or open any new street or alley, or to straighten, widen or extend any that now or hereafter may omit [exist], which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way; as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same, and such statement as may in the opinion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, and the common council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement. When such plat and survey shall be finally adopted by the common council it shall be filed with the city recorder, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the common council.

Said plat shall also show the amount of land taken from each owner so far as the owners may be known, and the land contiguous to or affected by such improvement.

The common council shall then or afterwards appoint three (3) freeholders of said city, having the same qualifications as the commissioners appointed under chapter twelve (12) of this act, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel, and without regard to cash valuation.

Two (2) of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment and vacancies in their number be filled in the same manner, and they shall take the same oath

and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under chapter twelve (12) of this act.

They shall give notice by two (2) publications, in the official paper of said city, that such survey and plat is on file in the office of the city recorder for the examination of all persons interested, and that they will, on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at the time and place designated in said notice, on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvements and assess thereon, in proportion to the benefits, the amount necessary to pay such compensation and damage, and the cost of making the improvement, and that they will then and there hear such allegations and proof as interested persons may offer, which notice, at least five (5) days before such meeting, shall be served upon all occupants of the land through which such street or alley may extend, personally or by copy left at usual place of abode of each of said occupants. And such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city. After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages so awarded together with the expense and cost of making the improvements upon the land and property benefited by such proposed improvements, and in proportion to such benefits; but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits and assessing only the excess, and prepare and report to the common council their appraisement and award, and if in the judgment of said commissioners the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report and shall state the amount of such excess; said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or



names of the owners thereof, if known, and the amount assessed of the excess of such compensation, damage and costs, as aforesaid, which they shall return unassessed.

Such report shall lie over until the next regular meeting of the council which shall occur at least one (1) week after the reception thereof, at which time or at any meeting of the common council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. Notice of such meeting shall be published once in the official paper of said city, and at least two (2) days before such meeting.

The council may confirm such award and assessment or either, or annul the same or send the same back to the same commission for further consideration, and the commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place, to be designated in said notice, which time shall be at least two (2) weeks after the publication of such notice, meet and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just and again report the same to the common council, who may thereupon confirm or annul the same. Whenever the common council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested except as is hereinafter provided, and the common council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners in accordance with the assessment so confirmed and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The common council of the city of Redwood Falls doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for taking and injury to private property and estimated cost of improvement, in and about....., as shown on the plat and survey of the same on file in the office of the city recorder of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed:

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	AMOUNT.	
				Dollars.	Cts.

Done at a meeting of the common council, this.....day of  
.....A. D. 18.....

Attest:

.....

City Recorder.

Mayor.

SEC. 2. In addition to making special assessments for laying out new streets, as provided for in section one (1) of this chapter, the common council of said city hereby also have authority, and it shall be their duty, to levy assessments upon the property fronting upon such improvements or the property benefited by the same, without regard to the cash valuation of such property, for filling, grading, leveling, paving, curbing, walling, macadamizing, planking any street, constructing bridges upon or otherwise improving any street in said city, or laying, relaying or extending any water mains or sewer pipes through any street, lane or alley, or any portion of the same in said city.

The same proceedings shall be had in all such cases as are provided in section one (1) of this chapter. And the common council of said city is hereby authorized, and it shall be their duty, to proceed under said section one (1) to lay out new streets or to improve any street in said city in the respects above mentioned, or lay, relay or extend any water main or sewer pipe, at any time when they shall determine that the public necessities or convenience and the general good of said city demand such improvements.

## CHAPTER XIV.

### APPEALS.

SECTION 1. Any person whose property is proposed to be taken under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners which ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of his property, any time before such award shall be confirmed by the common council, may file with the city recorder, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, the amount he claims to be entitled to, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the common council shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the common council to the district court of the county of Redwood, at any term, within ten (10) days after such order. Such appeal shall be made by serving a written notice of such appeal upon the city recorder of said city, which shall specify the property of the appellant affected by such award, and refer to the objections filed as aforesaid, and by also delivering to said city recorder a bond to the city of Redwood Falls, executed by the appellant, or by some one on his behalf, with two (2) sureties, who shall justify in the penal sum of fifty (50) dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the city recorder shall make out and transmit to the clerk of said district court a copy of the award of said commissioners as confirmed by the council, and of the order of the council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said city recorder to be true copies, within ten (10) days after the taking of such appeal.

But if no more than one (1) appeal to be taken from any award, it shall not be necessary that the clerk, in appeal subsequent to the first

(1st), shall send up anything except a certified copy of the appellant's objections. There shall be no pleading on such appeal, but the court shall determine in the first (1st) instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections that, as to him, the award of the commissioners and its confirmation by the common council ought not to stand, and whether said commissioners had jurisdiction to take action in the premises.

The case may be brought on for hearing on eight (8) days' notice, at any general or special term of court, and shall have precedence of other civil cases, and the judgment of the court shall be upon any of the foregoing questions or any other questions alike pertinent to such proceedings, to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken and described in said written objections.

From such determination no appeal or writ of error shall lie to the supreme court.

In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, appoint three (3) other disinterested freeholders, residents of said city, commissioners to reappraise such damages.

The parties to such appeal shall be heard by said court upon the appointment of such commissioners, and the court shall fix the time and place of the meeting of said commissioners.

They shall be sworn to the faithful discharge of their duties as such commissioners, and shall proceed to view the premises and to hear the parties interested and all allegations and proofs pertinent to the question of the amount of such damages.

Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects, as are in this chapter made for the government of commissioners appointed by said common council for condemning land. They shall, after such hearing and view of the premises, make report to said court of their appraisal of damages, as respects such appellant and which report shall be opened to further objections before said court by any party aggrieved. The award of such commissioners shall be final, unless set aside by the court for cause. Judgment shall be entered by said court after final award therein, declaring that upon the payment of the amount of such final awards and costs, if any, or depositing the same with the city treasurer as provided in chapter XII. (12) of this act, the said city shall be entitled to the land, easement or estate, with regard to which such condemnation was had, either in fee or for such uses as are provided for in this act. In case such report is set aside, the court may, in its discretion, commit the question of damages therein to the same commissioners, or appoint a new board, as it shall deem best, but no appeal or writ of error shall be allowed from any order of the court in the premises.

Said court shall allow a reasonable compensation to such commissioners for their services and make such award of costs on such appeal, including the compensation of such commissioners, as it shall deem just in the premises.

In case the court shall be of opinion that such appeal was frivolous, or vexatious, it may adjudge double costs against such appellant.

SEC. 2. The common council shall have the right, at any time during the pendency of any proceedings for the improvements authorized in this chapter, or at any time within thirty (30) days after the final order of the court, or any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so.

SEC. 3. Whenever any portion of any award made by commissioners and confirmed by the council, under the provisions of this act, shall be annulled by the court upon appeal, as hereinbefore provided for, the common council may again appoint commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had, so far as is applicable, as is prescribed in said section, except that such commissioners shall make no new assessments of costs and expenses.

They shall in proper cases, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which, in their judgment, the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the common council, whereupon the same proceedings may be had as far as applicable as upon an original award, and if such award shall again upon appeal be annulled by the court, still another commission may be appointed and award made in the same manner and so on until a valid award shall be made.

SEC. 4. If any special assessment heretofore made by the common council, or under its direction, to defray the expense of any local improvement has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the common council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the common council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the common council shall anew or thereafter compute and determine upon the cost of making such improvement in a gross amount, upon such data as it shall seem sufficient, not exceeding in the case of water mains the cost of laying a six (6) inch pipe, when a larger pipe was used; and the common council may then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting upon such improvements, or on the property benefited by such improvements according to the character of such improvements, following as near as may the provisions of this act in determining the property to be assessed, and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such second assessment shall be annulled the common council may proceed to make other assessments until a valid assessment shall be made; but nothing in this section shall authorize any new assessment in cases where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city recorder shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid the words "Paid on former assessment," which shall cancel such assessment on that parcel.

SEC. 5. The city recorder shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall, on or before the first (1st) day of October of every year, deliver to the county auditor of said county of Redwood all such assessment rolls thereto delivered, and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in the like manner as state, county and other taxes are collected and the payment enforced; and such assessment, when collected, shall be paid over by the county treasurer to said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to city treasurer.

SEC. 6. No omission, informality, or irregularity in proceedings in or preliminary to the making of any special assessment, shall affect the validity of the same, where the assessment roll has been adopted by the common council, and the assessment roll and the record kept by the city recorder shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter.

And no failure of the city recorder to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained as to the form or manner of any of the proceedings shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

SEC. 7. In case any special assessment shall, in any suit where its validity shall be questioned, be adjudged invalid, the common council may, in its discretion, notify the county auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings, either as in case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid; and the city recorder, before delivering such assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments.

Such new assessments shall be collected in the same manner as original, special assessments.

SEC. 8. The cost of any improvements mentioned in chapters twelve (12) and thirteen (13) of this act shall be defrayed, save as herein otherwise provided, by special assessment in the manner therein set forth; *Provided*, that upon a vote of two-thirds ( $\frac{2}{3}$ ) of the aldermen elect, any improvement mentioned in such chapters may be made by the city at large, without special assessment, when the value of such improvement does not exceed two hundred dollars (\$200).

SEC. 9. The common council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once or wait the collection of said assessment. If they

determine to proceed with such improvement, they are here authorized to borrow as much money as shall be necessary for present use in making such improvement, and to pledge the credit of the city therefor.

SEC. 10. In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from other funds of the city and not devoted to any other purpose than such improvement.

As soon as a majority of the assessments for such improvement are paid, the common council shall forthwith proceed with making such improvement.

SEC. 11. After any special assessment roll shall have been adopted by the common council and before the same shall have been delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of the said city; and upon the production of the said city treasurer's receipt therefor to the city recorder, he shall enter upon such assessment roll, opposite to the assessment so paid, the words "paid to the city treasurer," which entry shall cancel the assessment so paid.

SEC. 12. The common council shall meet at ten (10) o'clock A. M. upon the third (3d) Tuesday of September each year as a special board of review at the city council rooms or at the place where meetings of the common council are held in said city, to review and examine all special assessments levied upon private property in said city for any purpose under the provision of this act, all of which common council acting as such board of review shall qualify as such board. They shall, at that time, hear any statements, objections or complaints with regard to said assessments by any person aggrieved affecting the validity, equality or amount of said assessment or any other matter or thing affecting or pertinent to such levy.

The common council shall take such action with regard to such assessment either on their own motion or on complaint of parties aggrieved, as to their judgment is equitable and just, and shall cancel or modify such assessment or defer the present collection of the same, or allow any one of them or all of them to be paid without return to the county auditor either in whole or in part, and shall do any other act with reference thereto which in their judgment justice and equality require. They may adjourn from day to day and a majority of those present shall constitute a quorum for doing business.

The city recorder shall keep an accurate and detailed record of all the transactions and doing[s] of such board, and shall make all such alterations in the special assessment roll as such board shall direct.

SEC. 13. The common council may make such provisions for the payment of all boards of review provided for in this act, and for all extra services of the aldermen of the said city for any purpose, and for all commissioners appointed under this act, excepting those appointed by the court, for reassessment of damages, as the said common council may see fit.

## CHAPTER XV.

### MUNICIPAL COURT.

SECTION 1. There is hereby established in the city of Redwood Falls, in the county of Redwood, a municipal court for the transaction of all business which may lawfully come before it.

Said court shall be a court of record and shall have a clerk and a seal and shall have jurisdiction to hear, try and determine civil actions at law, where the amount in controversy does not exceed five hundred (500) dollars. It shall also have exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases arising or triable within the city of Redwood Falls heretofore cognizable before a justice of the peace. It shall not have jurisdiction of actions for divorce, nor of any action when the relief asked for in the complaint is purely equitable in its nature; nor cases involving the title to real estate; nor for false imprisonment, libel, slander, malicious prosecution, criminal conversations or seduction, or upon a promise to marry, nor for an action against an executor or administrator as such, and when in any cause pending in said court a counterclaim in excess of five hundred (500) dollars over plaintiff's claim, or an equitable defense or ground for equitable relief is interposed, or whenever it shall appear from the pleadings or upon the trial of any cause that the title to real estate is involved, the said court shall immediately cause an entry of the facts to be made of record, and cease all further proceedings in the cause, and order the clerk to certify and return to the district court in and for the county of Redwood a transcript of all entries made in the record relating to the cause, together with all process and papers relating to the cause, and the clerk shall within ten (10) days after being so ordered make such certificate and return; and thereupon said district court shall proceed in the cause to final judgment and execution, the same as if said cause had been commenced in said district court, as near as may be, and the costs shall abide the event of the action; *Provided*, the clerk of said municipal court shall not make said certificate or return, until the costs chargeable by the clerk have been paid.

SEC. 2. The qualified electors of the city of Redwood Falls shall, at the general city election to be held on the first (1st) Tuesday after the first (1st) Monday in January, one thousand eight hundred ninety-two (1892) and on the day of the general city election every third year thereafter, elect a suitable person, with the qualifications hereafter mentioned, to the office of judge of said municipal court to be called "Municipal Judge," who shall hold his office for the term of three (3) years and until his successor shall be elected and qualified. In case of any vacancy in the office of municipal judge the governor of the State of Minnesota shall appoint some qualified person to said office until the next annual city election occurring more than thirty (30) days after the vacancy shall have happened, when a judge shall be elected for a full term of three (3) years.

The governor of the State of Minnesota shall, immediately after the passage of this act, appoint some suitable person to said office until the first general city election, to be holden as in this act provided, and until his successor is elected and qualified.

SEC. 3. The judge of the municipal court shall be a resident of the city of Redwood Falls and a qualified elector therein, a person learned in the law and duly admitted to practice as an attorney in this state. Before entering upon the duties of his office he shall take and subscribe an oath as prescribed in the General Statutes for judicial officers, which oath shall be filed in the office of the city recorder of said city. He shall have the general powers of judges of courts of record, and may administer oaths and take and certify acknowledgments in all

cases, and as a conservator of the peace shall have all power and authority which is by law vested in the justices of the peace or any other judicial office[r]. In case of sickness or other cause requiring his absence, he may procure any competent and disinterested attorney in Redwood county to act for him. Such attorney so called in shall take and subscribe the same oath of office and have all the powers possessed by the municipal judge in such matter, or during such time, as he may, by the written order of such municipal judge, be requested so to act. Prior to the entry of such appointed person upon the discharge of such judicial functions, the judge shall enter a full copy of such order in the records of the court.

Nothing in this act shall be so construed as to disqualify or prevent the municipal judge from practicing as an attorney or counselor in any court of this state except in said municipal court. In all actions or proceedings in the district court of Redwood county, wherein the judge of said court may enter a trial of said actions or proceedings, the same may be referred to the said municipal judge to hear, try and determine, or report the evidence thereon, and may be ordered or agreed upon, and said judge so acting as referee shall be entitled to the same fee for said services as other referees. He may accept said reference with all the powers of a referee.

SEC. 4. Said municipal court shall have a clerk, who shall be appointed or removed at the pleasure of said judge by an order in the minutes of the court.

The salary or compensation of said clerk shall be such as such judge shall direct and shall be paid by him. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the State of Minnesota, and to faithfully and honestly discharge and perform the duties of his office, and shall execute to the city of Redwood Falls a penal bond in the sum of one thousand (1,000) dollars, with two (2) sureties, approved by the mayor of said city of Redwood Falls, conditioned that he will account to and pay over to the said city on the first (1st) Monday of every month, all fines, penalties and other moneys belonging to or to go to said city, which may have come into his hands during the month next preceding, and that he will, at all times, pay over to all other persons, on demand, all moneys to which they may be entitled, which have come into his hands in virtue or by reason of his said office. Such oath and bond shall be filed in the office of the city recorder of said city.

SEC. 5. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law, and its judgments and its other determinations, and it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of *habeas corpus*, *quo warrant[o]*, *ne exeat*, *mandamus*, prohibition nor injunction. All process shall be attested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "Clerk of the Municipal Court," and the forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such form may be changed by the court from time to time in the absence of such prescribed forms of



process in use either in courts of record of this state, or by justices of the peace, may be changed and adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service to any police officer of the city of Redwood Falls or to the sheriff or any constable of said Redwood county.

SEC. 6. The municipal court shall be held in the city of Redwood Falls, at some suitable place to be provided therefor by said judge.

Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the state and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court at any time (Sundays and legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all causes which shall be brought before him by the police officers of the city or otherwise, either with or without process, for violation of the criminal laws of this state, committed within the county of Redwood, or of the ordinances, laws, regulations or by-laws of said city.

The clerk of said court shall keep a record of all its proceedings, and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions, as well as all other process.

SEC. 7. The clerk of the municipal court shall have the custody and care of all the books, papers and records of said court. He shall be present at all trials, unless absent from sickness or with the consent of the judge, and in case of his absence the judge may appoint some person temporarily in his place. He may swear all witnesses and jurors and administer all oaths and affidavits, and take acknowledgments. He shall keep minutes of all proceedings and enter all judgments, and make up and keep the records of the court, under the directions of the judge. He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdiction of the municipal court, and when the judge is not present, adjourn the court from day to day. He shall receive all fines and penalties and all fees of every kind accruing to the court or clerk, and keep full, accurate and detailed accounts of the same; and shall, on the first (1st) Monday of every month, deliver and pay over to the city treasurer of the city of Redwood Falls, all moneys so received for fines and penalties, with detailed accounts thereof, under oath. The clerk of said court may, when he deems the same necessary, appoint, with the sanction of the judge, a deputy clerk of said municipal court, for whose acts the said clerk shall be responsible, and said deputy shall be appointed under the hand of said clerk and seal of said court, with the sanction of said judge indorsed on the back of such appointment; and before any deputy clerk of said court shall enter upon the duties of his office, he shall take and subscribe the same oath prescribed and required to be taken by the clerk of said court, which oath, together with the appointment of such deputy clerk, shall be filed in the office of the city treasurer of the city of Redwood Falls, and the clerk of said court, or the judge thereof, may, at any time, remove any deputy appointed under the provisions of this act.

The deputy clerk of said court shall receive no compensation from the city of Redwood Falls. The said deputy clerk may administer oaths, take acknowledgments and perform all the duties pertaining to the office of clerk of said municipal court.

SEC. 8. The municipal court shall hold regular terms for the trial of civil actions on the first (1st) Tuesday of every month, which terms shall continue from day to day, with such adjournments as to the court may seem proper, until the business of each term shall be finished; and the court may by rule or order appoint such terms to be held oftener or upon other days than the days above mentioned. All civil actions for the recovery of money only shall be commenced by summons to be issued by the clerk. The form of the summons may be as follows:

STATE OF MINNESOTA, }  
County of Redwood. } ss.

CITY OF REDWOOD FALLS,

Municipal Court.

The State of Minnesota to any police officer of said city, or to the sheriff or any constable of said county:

You are hereby commanded to summon.....  
if he shall be found within the county of Redwood, to be and appear before the municipal court of the city of Redwood Falls, at a term thereof to be holden on the.....day of.....18...  
at the hour of.....o'clock in the forenoon, and answer to.....  
.....in a civil action whose complaint is on file in said court, and have you then and there this writ.

[L. s.] Witness the honorable.....

*Municipal Judge.*

This.....day of.....18...

.....  
*Clerk of Municipal Court.*

Or the summons may be in any other form which the court may by rule prescribe and shall be served upon the defendant at least six (6) days before the commencement of the term at which the same is made returnable. The summons in this court shall be served in the same manner as prescribed by statute for service of summons in district court in all cases or classes of cases whereof this court has jurisdiction, except that in case of service of summons by publication, the period of such publication shall be three (3) consecutive weeks instead of six (6). No summons shall be issued until the complaint in the action shall have been filed with the clerk. All pleadings in said municipal court shall be in writing. If the defendant fail to appear at the opening of the court on the day on which the summons is made returnable, judgment may be entered against him for an amount not exceeding that mentioned in the complaint and for costs and disbursements, except that when the action is for unliquidated damages or relief, the plaintiff shall obtain such judgment, only as he shall show himself entitled to by evidence and proof. If he so appear, he shall then, or at such time as the court may designate, by rule or otherwise, answer the complaint; and if the answer contain a counter claim or new matter, the plaintiff shall reply thereto forthwith, or at such time as the court may, by rule or otherwise, designate. The answer and reply shall be in writing and filed with the clerk, and each pleading shall be verified by the party, his agent or attorney, either as in courts of justices of the peace or in the district courts of this state.

Either party may demur to any pleadings of his adversary, as in the district court, except that the demurrer to any pleading shall be

filed within the same time allowed for filing an answer or reply to such pleading. All pleadings of this court shall be construed liberally, and technical objections shall be disregarded. And the court may, for good cause, in its discretion, and on such terms as it may deem equitable, open any default at the same term at which it occurred or allow any amendment of any pleading at any time, and shall disregard variance between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to continuance of a civil action, except actions for forcible entry and unlawful detainer, until the next term of the court following the term at which the summons is made returnable; and further continuance may be granted upon sufficient cause shown and on such terms as may be just. Said court shall have authority to provide that the plaintiff in any civil action in which a justice of the peace would have jurisdiction, and when the amount is beyond the jurisdiction of a justice of the peace when the plaintiff is a non-resident of this state, shall, by bond, recognizance or deposit of money with the clerk, give security for costs in such sum as the court may designate, when the plaintiff in any cause shall neglect or refuse to give such security when so ordered, within a time to be designated by the court, the court may dismiss such cause at the cost of said plaintiff. Costs are allowed to the prevailing party, in actions determined in said municipal court, as follows: To the plaintiff, upon a judgment in his favor of one hundred (100) dollars or more, or in actions of replevin when the value of the property is one hundred (100) dollars or more, when no issue of fact or law is joined, five dollars (\$5); when an issue is joined, ten dollars (\$10).

To the defendant, when the amount claimed in the complaint is one hundred (100) dollars or more, upon discontinuance or dismissal, five dollars (\$5); when judgment is rendered in his favor upon the merits, ten dollars (\$10).

Costs and disbursements shall be taxed and allowed in the first instance by the clerk, upon two (2) days' notice in writing by either party, unless notice is waived by stipulation, and inserted in the entry of judgment. The disbursements shall be stated in detail and verified by affidavit unless otherwise stipulated by the parties. The party objecting to any item shall specify in writing the ground of objection, and the same, in case of appeal, shall be certified to the court by the clerk, and the appeal shall be heard and determined upon the objections so certified, and none other. All papers specified in this section shall be filed with the clerk.

SEC. 9. Any creditor desiring to proceed by attachment in said court, may, at the time of commencing the action, or thereafter and while the action is still pending, by himself, his agent or attorney make and file with the clerk an affidavit similar to the affidavit required by law in an application for a writ of attachment in justice's court, and also cause to be filed with the clerk a bond, with sufficient sureties, to be approved by the judge, and similar to the bond required on like applications in justice's court, except that in cases not within the jurisdiction of a justice court the limit of liability thereon shall be mentioned therein as not exceeding the sum of two hundred and fifty (250) dollars. The writ of attachment may be in form as follows:

STATE OF MINNESOTA, }  
 County of Redwood. } ss.

CITY OF REDWOOD FALLS,  
 Municipal Court.

The State of Minnesota to any police officer in the city of Redwood Falls, or to the sheriff or any constable of said county:

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of ..... or so much thereof as shall be sufficient to satisfy the sum of ....., with interest and costs of suit, in whosoever hands or possession the same may be found in said county of Redwood, and so provided that the same may be subject to further proceedings as the law requires; and make due return of this writ.

Witness, the honorable .....

*Judge of said Court.*

This ..... day of ..... A. D. 18.....

.....  
*Clerk.*

Or the writ may be in any other form that the court may prescribe by rule. In all other respects, save as in this act otherwise provided, the service of the writ and other proceedings thereon shall be similar, as near as may be, to the service of such writ and proceedings in justice's court.

SEC. 10. The defendant may at any time before the time for answering expires, or at any time thereafter when he has answered, and before the trial, apply to the court, on five (5) days' notice, to vacate the writ of attachment. If the motion is made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same with affidavits in addition to those on which the writ of attachment was allowed.

SEC. 11. The plaintiff in an action to recover the possession of personal property, may, at the time of the issuing of the summons, or at any time before answer, claim the immediate delivery of such property. The plaintiff, his agent or attorney, shall make and file an affidavit similar to the affidavit required in the justice court in like actions. The plaintiff, or some person on his behalf, shall execute a bond with sureties, to be approved by the judge, conditioned similar to bond in such actions in justices' courts as required by the general statutes of A. D. one thousand eight hundred and seventy-eight (1878), near as may be, and file such bond, and an action may be maintained on such bond, as upon similar bonds filed in like actions in justices' courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA, }  
 County of Redwood. } ss.

CITY OF REDWOOD FALLS,  
 Municipal Court.

The State of Minnesota to any police officer of the city of Redwood Falls, or the sheriff or any constable of said county:

Whereas, ..... complains that ..... has become possessed of and unjustly detains from ..... the following described goods and chattels, that is to say: (Particularly describing the articles and value.) Therefore, you are hereby commanded to cause the

same goods and chattels to be replevied without delay, and deliver to the said.....and return this writ to the court within.....days, together with the return of the proceedings thereon.

Witness, the honorable.....

*Municipal Judge.*

This.....day of.....A. D. 18...

[L. s.]

*Clerk of the Municipal Court.*

Or the writ may be in any other form that the court may, by rule, prescribe. The writ shall be served and all proceedings thereunder had in the same manner, as near as may be consistent with the practice of this court, in proceedings of replevin in justice's court; but the times and forms of pleadings and trial shall be the same as in other actions in this court. The officer executing the writ shall retain the property taken under it, in his own custody, for three (3) days before delivering the same to the plaintiff; and if, within that time, the defendant, or some one on his behalf, shall execute to the plaintiff a sufficient bond with sureties, to be approved by the judge, conditioned as in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to deliver such property to the defendant.

SEC. 12. The defendant may except to the sufficiency of the plaintiff's sureties within the same time and in the same manner as in proceedings of claim and delivery of personal property in district court, and when defendant so excepts, the same proceedings shall be had as in like actions in district court, except that the justification of sureties be had before the judge of said municipal court and no other.

The qualification of sureties shall be the same as required for sureties in like actions in district court.

SEC. 13. The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial, or for any disposition before the court, at such term, adopting such arrangement as the judge may direct; and the court shall direct the order of trial, and other disposition of causes.

SEC. 14. Trial by jury in the municipal court shall in all respects, except as herein otherwise provided, be conducted as in the district courts of this state; and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court. Jurors for said municipal court shall be provided and drawn, however, in the following manner, to-wit: The presiding judge of said municipal court, together with the senior alderman from each ward of the said city of Redwood Falls, or in case of the failure of any of said aldermen to act, any two (2) of them shall, on the first (1st) Monday of May and November in each year, at the office of the clerk of said court, meet and from the legal voters of said city select and designate seventy-two (72) legal voters of said city as the jurors of said municipal court, to serve therein when required and drawn, during the succeeding six (6) months, and until their successors are elected and certified, and shall thereupon certify said names so elected to the clerk of said municipal court, who shall thereupon write said names upon separate ballots, and place the same in a wheel or box, and whenever a jury is required in said court, shall thereupon, by lot, draw thirty (30) ballots, or in case a jury of six (6) is agreed upon by both parties to the

pending action, in the same manner as in justice court, he shall draw twenty-four (24) ballots therefrom, and shall make a list thereof, from which list each party shall strike off nine (9) names, in the same manner as in striking a jury in courts of justices of the peace in this state; and in case of the neglect or refusal of either or both parties so to strike, the judge shall strike out the names for either or both. The twelve (12), or in case of a jury of six (6), the six (6) persons whose names remain on said list shall be summoned to attend the trial of the cause wherein they were drawn, and shall constitute the jury, unless some of said jurors shall be excused or successfully challenged for cause, in which case the clerk shall successively draw the names of other jurors from the box, until the jury is full, allowing, however, to each party, as many peremptory challenges to such additionally drawn jurors as there shall remain, after said first (1st) striking, jurors to be drawn. When said drawing shall be finished, those jurors last drawn shall be summoned, and if any of the last drawn jurors are excused or successfully challenged, others shall be drawn and summoned in like manner until the jury is full, allowing to each party in each drawing as many peremptory challenges as at said drawing there shall remain jurors to be drawn. No talesman shall be summoned in any cause in said court until the regular panel shall all have been exhausted. After the jury shall be complete, the clerk shall return to the box the names of all persons except those who constitute the jury as finally struck. The names of those who serve as jurors shall not be returned to the box until all the names in said box shall be drawn. The persons selected by the judge and aldermen to serve as jurors as aforesaid shall not again be selected for six (6) months from and after the expiration of said term of six (6) months for which they were drawn, and the failure to select and designate the said jurors at the time herein provided shall not be available as a cause of challenge to the panel of said jurors, except to a party who shall show himself to be prejudiced thereby. Jurors in this court, when serving as such on the trial of an action, shall receive the same compensation as jurors in justices' court.

SEC. 15. Title eighteen (18) of chapter sixty-six (66) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relative to trial by referees, title nineteen (19) of the same chapter, relative to exceptions, and title twenty (20), relative to new trials, shall apply to said municipal court; and section four (4), of chapter twenty-seven (27) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relating to reporter of the supreme court and the distribution of supreme court reports, shall apply to the judge of said municipal court; and all causes may be removed from said municipal court to the supreme court of the state of Minnesota, in the same manner and upon like proceedings and with like effect as from the district court; and said municipal court shall have jurisdiction of actions of forcible entries and unlawful detainers, and may fix return days for such actions, other than the regular term days of said court, in the discretion of the judge; and chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relative to forcible entries and unlawful detainers, shall apply to said municipal court, and the practice shall be the same in such cases, as near as may be, to similar proceedings in justices' courts.

SEC. 16. No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided; but writs of execution thereon may issue against the goods and chattels of the judgment debtor, returnable within thirty (30) days, as in justices' court. The provisions for renewals of executions in district court shall apply to this court, except that such renewal shall extend the life of the execution for only thirty (30) days from the date of such renewal, and except that no renewal of such execution shall be made by the clerk until the fee of twenty-five (25) cents therefor shall have been paid. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding five (5) dollars besides costs may, upon paying the fee therefor, demand and shall receive from such clerk a transcript of the docket entries of such judgment, duly certified, and may file the same in the office of the clerk of the district court, in and for the county of Redwood, who shall file and docket the same as in the case of transcripts of judgments from courts of justices of the peace.

And every such judgment shall become a lien upon the real estate or the debtor from the filing of such transcripts, to the same extent as a judgment of said district court, and shall thereafter be exclusively under the control of said district court and carried into execution by its process, as if said judgment had been rendered in said district court. The clerk of said municipal court shall not issue such transcript while a writ of execution is outstanding, in the hands of an officer, or otherwise, and shall note on the record of said judgment the fact that such transcript has been given; and shall not, thereafter, issue any writ of execution on the same judgment, but may, at any time after the first transcript is issued, give to any party applying therefor, upon such party paying the clerk's fee therefor, a new transcript, and the clerk shall note the record of each transcript given upon such judgment.

SEC. 17. Proceedings against garnishees may be instituted in the same manner as in justices' courts; but the summons may be served either by an officer authorized by this act to serve process, or by any person not a party to the action, at any place within the state of Minnesota; and the summons may be made returnable at any term of said municipal court which may be named therein, and the notice required to be served on the defendant in the action may be signed, either by the clerk of said court, or the person who served the garnishee summons, or by the plaintiff or his attorney. The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court, except that the examination of the garnishee shall be before the acting judge of said court.

SEC. 18. Complaints in criminal cases, where the defendant is not in custody, may be made to the judge or clerk, in writing, or reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of this state, or of the ordinances, regulations or by-laws of said city; and the clerk shall issue a warrant only upon the order of the judge indorsed upon the complaint, and complaints, warrants and all other process in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as

may seem convenient to adapt the same to the style of said municipal court, or may be in such other form as the court may prescribe, sanction or approve. In cases where alleged offenders shall be in custody and brought before the court without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in case of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be guilty or not guilty. In case of failure to plead the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offense may be proved under the plea as well as if formally pleaded.

In the examination of offenders charged with indictable offenses, the clerk shall keep such minutes of the examination as the court may direct, and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

SEC. 19. In all proceedings had in said municipal court the following fees shall be charged and collected by the municipal judge or clerk and as for the compensation of the municipal judge, and said fees may be taxed in all cases where applicable:

For summons, warrants or subpoena, thirty-five (35) cents.

For a venire for a jury, thirty-five (35) cents.

For a warrant in a criminal case, thirty-five (35) cents.

Taking a recognizance of bail, thirty-five (35) cents.

Administering an oath, twenty-five (25) cents.

Certifying the same, when administered out of court, twenty-five (25) cents.

For a writ of attachment, thirty-five (35) cents.

The fee shall be one (1) dollar in each of the following cases, to-wit: For hearing and deciding every motion for a new trial, every demurrer and every motion to open a default.

Appeal from taxation of costs, one (1) dollar.

Entering a judgment, thirty-five (35) cents.

Every adjournment, twenty-five (25) cents.

Every bond, recognizance or security, directed by law to be taken and approved by the judge of court, thirty-five (35) cents.

Taking an examination, deposition or confession, or entering any cause in docket, per folio, fifteen (15) cents.

For copy of proceedings, or of any paper or examination in any case, when demanded, per folio, fifteen (15) cents.

Entering a satisfaction of judgment, twenty-five (25) cents.

Issuing commission to take testimony, fifty (50) cents.

Entering any order, or exception thereto, ten (10) cents.

Entering amicable suit without process, thirty-five (35) cents.

For a transcript of judgment, thirty-five (35) cents.

Opening a judgment for rehearing, thirty-five (35) cents.

Filing every paper required to be filed, five (5) cents.

Issuing notice to take deposition, thirty-five (35) cents.

Taking recognizance, certifying oath or affidavit and making return to district or supreme court, fifteen (15) cents per folio.

For search warrant, thirty-five (35) cents.

For commitment to jail, thirty-five (35) cents.

For an order to bring up prisoner, thirty-five (35) cents.

For an order to discharge prisoner, issued to jailer, thirty-five (35) cents.



Discharging a prisoner, after hearing a motion to discharge, twenty-five (25) cents.

For an execution, thirty-five (35) cents.

For every other writ not herein enumerated, thirty-five (35) cents.

For every affidavit or other paper, drawn by the judge or clerk, for which no other allowance is made by law, per folio, fifteen (15) cents.

Taxing costs, twenty-five (25) cents.

For marrying and making return thereof, three (3) dollars, and such other sum as may be allowed by the party making the application.

Holding an inquisition in cases of forcible entry and detainer, in addition to the fees, one (1) dollar.

Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty five (25) cents.

For traveling to perform any duty, when not otherwise provided for and such travel is necessary, going and returning, per mile, ten (10) cents.

For charging jury in said court, one (1) dollar.

The clerk shall not enter any judgment in any cause, nor perform any services required of him in any cause as such clerk, after the entry of judgment therein, until the fees therefor shall have been paid. Said court, upon appeal to the supreme court, shall receive the same fees allowed by law to clerks of the district court for like services.

SEC. 20. The judge of said municipal court shall hold no other office created or existing under or by virtue of the laws of the state of Minnesota, or created or existing under the charter, ordinances or by-laws of the city of Redwood Falls, except the office of judge of probate; and said municipal judge, while holding said office, shall have no law partner.

SEC. 21. The city attorney of the city of Redwood Falls shall have charge of the prosecution of all criminal cases before said municipal court wherein the defendant is charged with the violation of the city charter or any ordinance or by-law of the city of Redwood Falls, and the county attorney of the county of Redwood shall act in the prosecution or examination of offenders charged with other offenses, when required by law to prosecute in like cases before a justice of the peace.

SEC. 22. In all criminal cases tried in said municipal court, and in all examinations of persons therein charged with crime, the clerk shall tax costs and fees as hereinbefore provided in this act; and when the said court has final jurisdiction, and the defendant is convicted, the clerk shall tax the said costs as part of the costs against the defendant and include the same in the judgment to be entered against him.

And in all examinations of persons charged with crime under the laws of this state, and in all trials of criminal cases, when the defendant is acquitted, and when he is convicted and does not pay his fine and costs within ninety (90) days after the final determination of said cause, the clerk of said court shall make out an itemized bill of the costs accruing to the municipal court in such case or examination, certified to under his hand and the seal of said court, and said clerk shall file such bill so certified with the county auditor of the county of Redwood, who shall, upon such presentation, file the same in his office and draw his warrant upon the county treasurer of the county of Redwood for the amount of the bill or bills so presented in favor

of the said municipal judge of the city of Redwood Falls, and the said county treasurer shall pay the same.

SEC. 23. Whenever any civil action is pending in the district court of Redwood county, of which the municipal court would have jurisdiction, such action may be tried by the said municipal court, if the parties so agree and the district judge so orders, and thereupon such action shall be transferred to and tried in said municipal court as though the said action was originally commenced in said municipal court, and for such action so tried and determined by a jury in said municipal court, in which the amount in controversy exceeds one hundred (100) dollars, the county of Redwood shall pay to the city of Redwood Falls the sum of five (5) dollars, and the clerk of said court shall, on the first (1st) legal day of each month, make a list of such causes determined in said court during the month preceding, which shall contain the names of the parties to each cause, the date of the filing of each decision and the amount in controversy in each case, and certify the same under his hand and the seal of the court; which list, so certified, shall be by said clerk filed with the city treasurer of the city of Redwood Falls, and said city treasurer shall at least once in every three (3) months present all such lists, so on file with him, to the county auditor of the county of Redwood, who shall file the same in his office and draw his warrant forthwith upon the county treasurer of the county of Redwood for the amount of such list or lists, and the said city treasurer shall present such warrant to the said county treasurer, who shall pay the same.

SEC. 24. All fines and penalties imposed by said municipal court for a violation of any ordinance of said city, or of any law of this state, shall, when collected, be paid by the clerk of this court into the city treasury and belong to said city of Redwood Falls.

SEC. 25. In all criminal cases tried in said court, in which the defendant is convicted, the clerk shall tax as costs of courts (and if not paid the same shall be entered up in the judgment against such persons) the following sums, viz.: In cases where no warrant issued, and defendant, upon arraignment, pleaded guilty, two (2) dollars; in cases where a warrant has been issued and the defendant pleads guilty, two (\$2.50) dollars and a half; in cases where the defendant pleads not guilty and is tried by the court, three (\$3.50) dollars and a half; in cases where defendant is tried by a jury, five (\$5) dollars. Such sums in all cases are to be in addition to all other costs taxed in such cases, and turned into the city treasury.

SEC. 26. No justice of peace shall be elected after the passage of this act within the city of Redwood Falls, and the justice's dockets, together with all books and papers, shall be transferred to this court, and all judgments entered by any justice of the peace of the village of Redwood Falls shall be enforced and carried out by said municipal court in the same manner as if the same were originally entered therein, as near as may be. The dockets, together with all books and papers of the village justice of the village of Redwood Falls shall be transferred to this court, and all judgments entered therein and all actions commenced therein, all unfinished business or proceedings therein or appeals therefrom, shall be enforced and carried on by this court hereby established in the same manner as if the same were originally entered or commenced therein, and all its acts and judgments are hereby declared legal and valid. And it is hereby declared to be

the effect of this act that everything in the said justice's court of the village of Redwood Falls, as now existing or pertaining or to appertain thereto, or which may arise therefrom, shall be acted on, disposed of any accomplished as fully and completely in the court hereby created as if originally the same therein were, whether it be specially or not in the act mentioned.

SEC. 27. No summons issued by or out of this court shall be served in any county other than the county of Redwood, except in actions where property of the defendant has been attached and it appears by affidavit that the defendant resides in another county in this state the summons may be served upon defendant in the same manner as the summons is served under like circumstances in district court.

## CHAPTER XVI.

SECTION 1. The city of Redwood Falls is hereby declared to be the legal successor to the village of Redwood Falls, Minnesota. All public property except property used for educational and county purposes within the corporate limits of said city shall belong to and be the property of said city, nor shall anything herein affect the school district in said city, but it shall have all the powers and rights it had at the passage and approval of this act.

SEC. 2. All licenses heretofore granted by the village of Redwood Falls, and now in force, shall continue under the provisions of this act for the full term for which the same were granted and until the date fixed by this act for granting licenses.

SEC. 3. Until the next annual city election in January, A. D. one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified, the following persons shall be the officers of the city of Redwood Falls, viz.: Wm. F. Dickinson shall be mayor, Giles R. Pease and A. W. Bager shall be aldermen of the first (1st) ward, and H. G. Schmahl and C. C. Peck shall be aldermen of the second (2d) ward, O. W. McMillan shall be recorder, H. A. Baldwin shall be treasurer and D. L. Bigham shall be assessor.

SEC. 4. The mayor, aldermen and other officers of the city, while holding such office, shall be exempt from serving as jurors in any court of this state.

SEC. 5. All acts and parts of acts heretofore passed for the incorporation of the village of Redwood Falls, and amendatory thereof, are hereby repealed; but the repeal of any and all such acts or parts of acts shall not in any manner affect, injure or invalidate any bonds, contracts, suits, claims or demands that may have been duly and lawfully issued, entered into, commenced, or that may exist under and by virtue or in pursuance of said acts, or any of them, but the same shall exist, be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed.

SEC. 6. This act is hereby declared to be a public act, and may be read in evidence in all courts in this state, and need not be pleaded or proven.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 1st, 1891.

## CHAPTER II.

[S. F. No. 258.]

### AN ACT TO INCORPORATE THE CITY OF CHASKA, IN THE COUNTY OF CARVER AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

#### CHAPTER I.

##### CREATION OF CORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Carver, hereinafter described, shall be a city by the name of Chaska, and all the people now inhabiting and those who shall hereafter inhabit the said district shall be a municipal corporation by the name of the city of Chaska, and by that name may sue and be sued, plead and be impleaded in any court; make and use a seal and alter it at pleasure; take, hold and purchase, lease and convey all such real, personal and mixed estate as the purposes of the corporation may require, or the transactions or exigencies of its business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the powers possessed by municipal corporations at common law, and in addition thereto shall possess all powers hereinafter specifically granted, and all the authorities thereof shall have perpetual succession.

SEC. 2. The district of country constituting the city of Chaska shall be the following described lands situated in township number one hundred and fifteen (115), north of range twenty-three (23), west, in the county of Carver and State of Minnesota, to-wit: The northwest quarter (¼) and the northwest quarter (¼) of the northeast quarter (¼), and lots one (1), two (2), three (3), four (4), five (5) and six (6) of section number nine (9); the northeast quarter (¼) and the southeast quarter (¼) of section number eight (8); the southwest quarter (¼) and the southeast quarter (¼) of section number four (4); the south half (½) of the southeast quarter (¼) and the southeast quarter (¼) of the southwest quarter (¼) of section number five (5).

SEC. 3. Said city shall comprise and is hereby divided into three (3) wards as follows: The first ward shall comprise all the territory within said limits lying west of the following described line, which shall constitute the eastern boundary line of the first ward and the western boundary line of the second ward, viz.: Commencing at the point of intersection of the centre line of Pine street, as designated on the plat of the village of Chaska on file and of record in the office of the register of deeds in and for said county, with the south line of said limits; thence running northerly along the centre line of said Pine street to the north line of section number eight (8); thence east along said section line to the corner post of sections number four (4), five (5), eight (8) and nine (9); thence north along the line between sections number four (4) and five (5) to the north line of said limits.

The second (2d) ward shall comprise all the territory within said limits east of said above mentioned line, and west of a line described as follows, viz.: Commencing at a point on the south line of said limits which would be the intersection of the continuation of the centre line of Oak street, as designated on said plat of said village; thence running northerly along the centre line of said Oak street to the north line of section number nine (9); thence east along said line to the quarter post on said line; thence north along the centre line of section number four (4) to the north line of said limits. The third ward shall comprise all the territory within said limits lying east of said last above described [ward] boundary line.

## CHAPTER II.

### OFFICERS AND ELECTIONS.

SECTION 1. The officers of said city shall be those mentioned in this chapter, and such additional officers as may be appointed from time to time by the city council and as herein otherwise provided for.

SEC. 2. The elective officers of the city shall be a mayor, a treasurer, two (2) justices of the peace (who shall be styled city justices), and members of the city council. The city council shall consist of three (3) aldermen from each ward in the city, to be elected by the qualified voters in their respective wards. Each alderman shall be a resident and qualified voter of the ward for which he shall be elected, and shall continue to reside in such ward during the time he shall continue to serve as such alderman. All other officers of the city shall be appointed by the city council, unless herein otherwise provided. The appointment of officers by the city council shall be determined by ballot, and it shall require a concurrence of a majority of all members of the city council to appoint any such officer. The city council is authorized to appoint such officers in addition to those mentioned in this charter as it may deem necessary for the proper management of the affairs of the city, and to prescribe their duties and fix their compensation.

SEC. 3. All persons entitled to vote for state or county officers, and who shall have resided for ninety days in the city, and for ten days next preceding the election in the precincts in which they offer their votes, shall be entitled to vote for any officer elected under this charter, and to hold any office created hereby, except as herein otherwise provided.

SEC. 4. Elections for the elective officers provided for by this chapter shall be held bi-annually on the second Tuesday of March, and shall be by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council, in such manner and at such time as it shall prescribe. The provisions of the general laws of this state governing elections shall apply to all elections, held under this charter, except as otherwise provided herein, and all special provisions contained in this charter, governing elections shall also apply to all the elections within the city; but the returns for all city elections shall be made to the city clerk, and for all state and

county elections to the county auditor of said county of Carver. Each ward established hereby shall constitute an election precinct, as well for state and county as for city elections, and the city council shall designate the place of holding elections in each election precinct at least twenty (20) days prior to such election, and the place so designated shall remain the place of holding election until a new designation is made.

SEC. 5. The aldermen of the city shall be *ex-officio* judges of elections of the precincts wherein they respectively reside, unless disqualified or declining to serve. At least twenty (20) days before any election, the city council shall appoint such number of additional judges of election as may be necessary to constitute a full board for each election precinct, and such election board shall have power to appoint a suitable number of clerks of elections. No person shall serve as judge or clerk of election who is a candidate for office at such election.

SEC. 6. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges of election shall make returns thereof, stating therein the number of votes for each person for each and every office voted for at such election, and shall deliver or cause to be delivered such returns to the city clerk within one (1) day after any election, and the city council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The city clerk shall forthwith notify the officer or officers elected of his or their election by written notice served upon such officer or person, or left at his usual place of abode with some person of suitable age and discretion residing therein.

SEC. 7. Special elections to fill vacancies shall be ordered by the city council at the time such vacancy is declared, and shall be held within twenty days thereafter, and reasonable notice by publication in the official newspaper of said city and by posting notice in at least three (3) public places in each ward of said city at least ten (10) days prior thereto shall be given of such election. Such special elections shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in case of general elections, but it shall not be necessary to appoint judges or to make new registers of votes for such special elections, but the judges of election of the last general election in any precinct shall continue to be judges of election for such special election, and vacancies of judges may be filled as in case of general elections, and such judges shall have the right to take from the city clerk and use at such special elections the register of votes used at the last general election.

SEC. 8. Any officer removing from the city or [the] ward for which he was elected or appointed, or any officer who shall refuse or neglect, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office; and any officer elected by the people or by the city council, having entered upon the discharge of the duties of his office, may resign the same with the consent of the city council. Such resignation shall be tendered to the mayor, and by him laid before the city council at its next session thereafter. Any officer appointed by the mayor may resign the same with the consent of the mayor. Whenever any vacancy shall occur in the office of mayor, treasurer, member of city council, city justice, or whenever there shall be a failure by the peo-

ple to elect any such officer on the day designated, the city council shall have power and it shall be its duty to declare such office vacant by resolution entered in its minutes, and thereupon an election to fill such vacancy shall be called and held as herein provided for.

SEC. 9. Any person holding office under this charter may be removed from such office by the city council. Such removal shall be determined by ballot, and it shall require the concurrence of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected to effect such removal. But no officer elected by the people shall be removed except for cause, nor unless first furnished with a statement in writing of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense, by counsel or otherwise. The city council shall have power to fix a time and place for the trial of any such officer against whom charges may be preferred, of which at least ten (10) days' notice shall be given by the city clerk, in the manner prescribed for notices of election to office, and shall have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and if any such officer shall neglect to appear and answer the charges preferred against him, the city council may declare the office vacant.

SEC. 10. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, street commissioner, and such other officers as the city council shall designate and require so to do, shall severally, before they enter upon the duties of their respective offices, execute to the city of Chaska bonds in such amounts and upon such conditions as the city council may, by resolution, fix and prescribe; and the city council may, from time to time, require new bonds and remove from office any officer refusing or neglecting to give the same. The bonds of all city officers shall be approved by the city council and filed with the city clerk, except the bond of said clerk, which, when so approved, shall be filed with the treasurer.

SEC. 11. The city council, at its first regular meeting after the general election under this charter, or as soon thereafter as may be, and annually thereafter, shall appoint a clerk, who shall be styled city clerk, an attorney, who shall be styled city attorney, a street commissioner, an assessor, who shall be styled city assessor, and a physician, who shall be styled city physician, who shall each be appointed for one (1) year, and who shall each possess the same qualifications for office as are required in cases of elective officers, and shall designate one newspaper, printed in said city, in which shall be published all ordinances, notices, proceedings and matters required by this act or any law of this state or which may be required by any ordinance or resolution of the city council to be published in a public newspaper.

SEC. 12. The mayor, treasurer, city justices and members of the city council shall each hold office for the term of two (2) years. The term of office of said elective officers shall commence on the third (3d) Tuesday of March following each general election under this charter, and shall terminate on the election and qualification of their successors, and the term of office of any person elected to fill any vacancy under this charter shall terminate on the third (3d) Tuesday of March following the next general election thereafter held under this charter or when the successor of the person so elected

to fill any vacancy shall have qualified. The term of office of any officer appointed under this charter to fill any vacancy in the appointive officers of said city shall expire at the time of the meeting of the city council at which the term of the officer whose place was so filled by appointment would otherwise have expired.

### CHAPTER III.

#### POWERS AND DUTIES OF OFFICERS.

**SECTION 1.** The mayor shall be the chief executive officer and head of the police of the city. He shall take care that all laws of the state and all ordinances of the city are duly enforced and observed within the city. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not approve and sign he shall return to the city council with his objections thereto, by depositing the same with the city clerk to be presented to the city council at its next meeting thereafter; and upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to be reconsidered, and the question shall be again put notwithstanding the objections of the mayor. And if, after such reconsideration, the city council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered in the record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sunday excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him. All contracts, appropriations, and all orders on the treasurer, shall be signed by the mayor.

**SEC. 2.** During the absence of the mayor from the city, or his inability from any reason to perform the duties of his office, the president of the council shall be styled and be acting mayor. During such absence or inability on the part of both the mayor and the president of the council, the vice president of the council shall be styled and be acting mayor. During such absence or inability on the part of the mayor, president and vice president of the council, any alderman whom the council may elect president *pro tempore* shall be styled and be the acting mayor.

**SEC. 3.** At the first meeting of the city council after each general election under this charter, the council shall proceed to elect by ballot from its number a president and vice president. The president shall preside at the meetings of the council; in case the president shall be absent from any meeting of the council, the vice president shall act as presiding officer and discharge the duties of said president. Whenever any official duties devolve upon the vice president and he is absent or for any reason unable to act, the council shall elect one of its number as president *pro tempore*, who shall perform such duties. The mayor, president and vice president of the city council shall have the right to administer oaths and affirmations.



SEC. 4. There shall be a clerk of said city, styled city clerk, who shall keep his office at the city hall, or such other place convenient thereto as the council may determine; he shall keep the corporate seal and all the papers, books and records of the city, and all the papers required by law to be filed in his office; he shall keep a true record of the proceedings of the city council at all meetings at which it shall be his duty to attend; he shall make a full and accurate record of all the by-laws, rules, ordinances, and resolutions made or passed by the council, and shall draw all orders on the treasurer in pursuance of any order or resolution of the council; he shall keep regular books of account, in which he shall enter all the indebtedness and expenditures of the city, and which shall at all times show the precise financial condition of the city, the amount of all bonds, orders, certificates or other evidence of indebtedness of the city, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and shall show the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; he shall keep accounts with all receiving and disbursing officers of the city, charging them with all amounts received by them from the different sources of revenue and with all city property in their hands or under their control, and crediting them with all amounts disbursed and property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. He shall report to the council at the close of each fiscal year a detailed statement of the receipts and expenditures for the year, and also an estimate of the expenses of the city and of the revenue necessary to be raised for the ensuing fiscal year, and shall also report the financial condition of the city at such other times as the council may require. He shall countersign all contracts made on behalf of the city, or to which the city is a party, and all bonds, orders, certificates or other evidences of indebtedness. He shall perform all other duties required by law of clerks of cities and towns within said city, but when services are required of him by law for which compensation is provided by law, such services shall not be regarded as services rendered for said city, and he may retain such compensation in addition to the salary which he may receive from said city. Said city clerk shall have power to take acknowledgments and administer oaths and affirmations. Copies of any paper filed in his office and transcripts of any record in his office, certified to by him under the corporate seal of said city, shall be evidence in all courts of said state to the same extent that the original paper or record might, if produced; and all books, accounts, lists and records of said city kept by him in his said office, as herein provided for, shall be *prima facie* evidence of all matters contained therein.

SEC. 5. There shall be an attorney for the city, styled city attorney, who shall perform all professional services incident to his office, and shall be the legal adviser of all officers of the city upon all matters connected with their respective offices under this charter. He shall attend to and prosecute or defend all suits, actions or proceedings, either civil or criminal, for and in behalf of said city, to which said city may be a party; *Provided*, that said city council may at any time procure such other and additional counsel to act with said city attorney as it may deem necessary and expedient.

SEC. 6. There shall be a city physician, who shall be a physician in general practice and in good standing in his profession and a graduate of some well recognized college of medicine. He shall furnish medical and surgical attendance and medicines to all such poor of the city as he may be requested to attend by the proper authorities. It shall be his duty to make a general inspection of the city as to matters affecting the health of its citizens as often and when directed so to do by the city council. He shall make all such reports to the state board of health as are required by law or by said board. He shall be *ex-officio* health officer and president and executive officer of the board of health of said city, and shall perform all duties required of him as such by law or any ordinance of said city.

SEC. 7. There shall be a board of health of said city, consisting of three members, including the city physician, each member of which shall have the authority of a police officer in enforcing any law of the state, regulations of the state board of health, ordinance of said city or regulations of said board to prevent the spread of contagious or infectious diseases and for the preservation of the public health. Said board of health shall possess all powers conferred upon local boards of health and perform all duties required of such boards by the general laws of the state.

SEC. 8. There shall be a city street commissioner, who shall have supervision and take charge of all work done on any street or alley of the city and the construction of all sidewalks, parks, bridges and improvements in or upon the streets or public grounds. He shall take care that all contracts for any such work or construction in behalf of the city are complied with, and may suspend any work under any such contracts that does not conform to his requirements until the city council shall direct the continuance of the same.

SEC. 9. The treasurer shall receive all moneys belonging to the city, including all taxes, license moneys and fines, and keep a detailed account thereof in books kept for such purpose. He shall exhibit to the council at the close of each fiscal year, and at such other times as the council may direct, a statement in detail of the resources and expenditures of the city and the state of the treasury. He shall also report to the council at such other times and in such manner as it may require. No disbursement of the funds of the city shall be made by the treasurer except upon orders drawn and countersigned by the city clerk and signed by the mayor or acting mayor of the city.

SEC. 10. All officers of the city, having charge of any city property, shall at the close of each fiscal year, and oftener, if required by the council, make and return to the council a complete and verified inventory of all such property in their hands or under their control respectively, and such report shall be kept on file by the city clerk for public inspection.

SEC. 11. If any person, having been an officer of said city, shall not, within ten days after notification or request, deliver to his successor in office all property, books, papers and effects of every description belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to said city five hundred (\$500) dollars, and his successor in office may recover possession of such books, property, papers or effects in the manner prescribed by law.

SEC. 12. The city council shall have power at any time to require other and further duties, not inconsistent with this act, to be performed by any officer whose duties are herein prescribed.

SEC. 13. Neither the mayor nor any alderman shall receive any compensation for his services as such officer, but this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving the compensation prescribed by law for such services.

The city council shall have power, unless otherwise provided herein, to fix the salaries or compensation of all other officers elected or appointed under this charter. Such compensation shall be fixed by resolution in the month of March of each year, and shall not be increased during the year for which it is so fixed.

SEC. 14. No person elected or appointed to office under the provisions of this charter, while such officer, shall either directly or indirectly be a party to or interested or concerned in any contract or job in which said city is interested, or any work prosecuted by its authority, or any compensation to be received therefor, and any contract or transaction prohibited as aforesaid shall be void, and any city officer offending against the provisions of this section may be removed from office by the council, and in case any money or valuable consideration shall have been paid on any such contract or transaction, the amount so paid may be recovered by the city from the parties to such contract or transaction and such officer or officers interested therein, either jointly or severally.

## CHAPTER IV.

### THE CITY COUNCIL—ITS POWERS AND DUTIES.

SECTION 1. The aldermen elected under the provisions of this act shall constitute the city council of the city of Chaska, and a majority thereof shall constitute a quorum for the transaction of business.

SEC. 2. The city council shall hold regular meetings at such times as it may determine. The mayor or acting mayor may call special meetings of the council whenever deemed necessary or expedient, by notice to each member, delivered personally or left at the usual place of abode of such member. At such special meetings no business shall be transacted other than that designated in the call.

SEC. 3. The city council shall be the judge of the election and qualification of its own members, and in cases of contest shall have power to send for persons and papers. It shall determine the rules of its own proceedings, and such rules, when adopted, shall not be changed or deviated from except as therein provided. It shall have power to compel the attendance of absent members. Continued absence from the regular meetings of the council by any member for three (3) consecutive months shall be good cause for removal from office, unless prior to such absence said council or the acting mayor of the city shall have granted such member leave therefor.

SEC. 4. The city council, in addition to all powers herein conferred and specifically mentioned, shall have full power and authority to make, enact, ordain, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemper-

ance, for the prevention of crime, and for the general welfare of the city and the inhabitants thereof as it shall deem necessary or expedient.

The enacting clause of all ordinances shall be, "The city council of the city of Chaska do ordain." The city council shall have full power and authority to declare and impose penalties and punishments and enforce the same against any person or persons, corporation or associations, who may violate any provision of any ordinance or by-law ordained or passed by it, and all such ordinances and by-laws are hereby declared to have the force of law, provided they be not repugnant to the laws of the United States or of this state.

SEC. 5. The city council shall have full power and authority, by ordinance, resolution or by-law:

*First*—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, and all other entertainments to witness which a charge is made; and also public halls, concert halls, public buildings and inclosures used for places of resort and amusement; also to license and regulate auctions and auctioneers, insurance agencies and offices, hawkers, peddlers, pawnbrokers, dealers in secondhand goods, junk dealers, slaughter houses, butcher shops, butcher stalls and venders of butchers' meat, keepers of intelligence or employment offices, tavern keepers, victualing house keepers, billiard, pool, pigeon hole and other like tables, nine and ten pin alleys, bowling saloons, shooting galleries; also to license and regulate canvassing for orders for goods and selling or contracting for the sale by sample, where such articles are thereafter to be sent or delivered to the purchaser.

*Second*—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to prohibit the keeping of and to authorize the seizure and destruction of all instruments and devices used for the purposes of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and to provide for the arrest and punishment of the keepers and inmates thereof and persons found therein.

*Fourth*—To compel the owner, occupant or keeper of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, drain or other unwholesome or nauseous house, structure or place, to cleanse, remove or abate the same, from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, and may regulate and prohibit the erection, operation or maintenance of any of the same in such parts of said city as it may deem necessary for the health and comfort of the inhabitants of the city.

*Fifth*—To regulate and prohibit the slaughtering of animals within said city; to regulate, control and prohibit the location and management of hog pens, poultry yards, stockyards, slaughter houses, market booths, stalls, breweries, distilleries and pawnbrokers' shops, and to establish rules for and license venders of gunpowder, and regulate

and control the storage, keeping and conveying of gunpowder, gun-cotton, dynamite and other explosive materials, and to regulate the use thereof for blasting and other purposes within said city, and to regulate and control the storage, keeping, dealing in and conveying of petroleum, gasoline, kerosene and other explosive and inflammable oils or substances within said city, and to compel the removal of all tanks or structures used for the storage of any such oils to any place or places in said city by it deemed least dangerous, injurious or inconvenient to the inhabitants of said city.

*Sixth*—To regulate or prevent the incumbering of street sidewalks, alleys, lanes or public grounds with animals, carriages, carts, wagons, sleighs or any vehicle, boxes, lumber, cordwood, poles, awnings, signs, porches, wires, ropes, building material, buildings, machinery, goods or merchandise for display, or any other substance or thing whatever, and the obstructing of the same in any manner whatever.

*Seventh*—To regulate the movement and speed of railway locomotives and cars within said city, and to require the construction and maintenance of gates at crossings of railway tracks over such streets as the council may designate; to prohibit, regulate and punish for the obstructing of streets with cars or locomotives; to regulate and prohibit the whistling of locomotive engines and the unnecessary escape of steam therefrom.

*Eighth*—To prevent and punish horse racing, immoderate driving or riding in the streets; to compel persons to fasten their horses or animals, attached to vehicles or otherwise, while standing in the streets; to prevent neglect and exposure of horses and animals while fastened in the streets; to compel the use of sleigh bells during the sleighing season, and to regulate places of bathing and swimming in the waters within the city limits.

*Ninth*—To restrain the running at large of horses, mules, cattle, swine, sheep or other animals, poultry or geese, and to authorize the distraining and sale of the same, and to impose penalties and punishment on the owners or keepers thereof for violation of the ordinances relating thereto; *Provided*, that when sale of such animals, poultry or geese shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling the same, shall be deposited with the city treasurer for the use and benefit of the owner of the property so sold, if called for within one (1) year from the date of sale; otherwise the same shall be paid into and become part of the funds of the city.

*Tenth*—To prevent any person from bringing into the city, placing, burying or having within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unwholesome meat, flesh or fish, hides or skins of any kind, and to authorize the removal of the same at the expense of such person or persons.

*Eleventh*—To make and establish pounds, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, alleys, and public grounds of the city, and to provide for and control the erection of water works in said city for the supply of water for said city and its inhabitants, and to grant the right to one or more private companies or corporations to erect and maintain water works for such purpose, and to authorize and em-

ance, for the prevention of crime, and for the general welfare of the city and the inhabitants thereof as it shall deem necessary or expedient.

The enacting clause of all ordinances shall be, "The city council of the city of Chaska do ordain." The city council shall have full power and authority to declare and impose penalties and punishments and enforce the same against any person or persons, corporation or associations, who may violate any provision of any ordinance or by-law ordained or passed by it, and all such ordinances and by-laws are hereby declared to have the force of law, provided they be not repugnant to the laws of the United States or of this state.

SEC. 5. The city council shall have full power and authority, by ordinance, resolution or by-law:

*First*—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, and all other entertainments to witness which a charge is made; and also public halls, concert halls, public buildings and inclosures used for places of resort and amusement; also to license and regulate auctions and auctioneers, insurance agencies and offices, hawkers, peddlers, pawnbrokers, dealers in secondhand goods, junk dealers, slaughter houses, butcher shops, butcher stalls and venders of butchers' meat, keepers of intelligence or employment offices, tavern keepers, victualing house keepers, billiard, pool, pigeon hole and other like tables, nine and ten pin alleys, bowling saloons, shooting galleries; also to license and regulate canvassing for orders for goods and selling or contracting for the sale by sample, where such articles are thereafter to be sent or delivered to the purchaser.

*Second*—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to prohibit the keeping of and to authorize the seizure and destruction of all instruments and devices used for the purposes of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and to provide for the arrest and punishment of the keepers and inmates thereof and persons found therein.

*Fourth*—To compel the owner, occupant or keeper of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, drain or other unwholesome or nauseous house, structure or place, to cleanse, remove or abate the same, from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, and may regulate and prohibit the erection, operation or maintenance of any of the same in such parts of said city as it may deem necessary for the health and comfort of the inhabitants of the city.

*Fifth*—To regulate and prohibit the slaughtering of animals within said city; to regulate, control and prohibit the location and management of hog pens, poultry yards, stockyards, slaughter houses, market booths, stalls, breweries, distilleries and pawnbrokers' shops, and to establish rules for and license venders of gunpowder, and regulate

*Nineteenth*—To regulate the place and manner of weighing hay and straw, and the weighing, measuring and selling of firewood, coal and other fuel, and to appoint suitable persons to superintend and conduct the same.

*Twentieth*—To license and regulate butchers' shops and stands for the sale of game, butchers' meats, butter, fish and other provisions.

*Twenty-first*—To compel the owner or occupant of buildings or grounds to remove snow and all ashes, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substance as the board of health may direct, and in the default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

*Twenty-second*—To prevent, control and regulate the landing of persons from boats, vessels, cars, or other conveyances wherein is any infectious or contagious disease or disorder, and to make such disposition of such persons as to preserve the health of the city; and also to prevent, control and regulate the landing or coming into the city of paupers or persons in destitute condition, not having a regular settlement or residence therein, and to require that such persons be taken back to the place from which they may have been brought or where they reside by the persons or corporations bringing them into the city, and to punish any such person or corporation so bringing or attempting to bring such pauper or destitute person into the city.

*Twenty-third*—To regulate the time, manner and place of holding public auctions or vendues.

*Twenty-fourth*—To provide for watchmen and prescribe their number and duties, and to regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties and to regulate the same, except as hereinafter otherwise provided.

*Twenty-fifth*—To provide for a standard of weights and measures, for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer, and to prohibit the use of false weights and measures.

*Twenty-sixth*—To direct and regulate or prohibit the planting or preservation of ornamental trees in the streets, alleys, public grounds or highways of the city or any portion thereof.

*Twenty-seventh*—To remove and abate any nuisance or encroachment upon the streets, alleys or public grounds of the city.

*Twenty-eighth*—To do all acts and make all regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease, and to make regulations to prevent the introduction of infectious or contagious diseases into the city, and to make necessary quarantine laws and to enforce them within the city.

*Twentieth-ninth*—To remove, abate and prohibit any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

*Thirtieth*—To punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Thirty-first*—To provide for and regulate the erection of hitching posts and rings for fastening horses and other animals, or to prohibit them in any part of the city, at its discretion.

*Thirty-second*—To provide for and regulate the numbering of houses and lots, and to compel the owners or occupants of houses or buildings to have the number of such houses or buildings designated thereon.

*Thirty-third*—To regulate or prohibit the propelling by steam of motors, traction engines and other vehicles over or upon the streets of said city.

*Thirty-fourth*—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas, the location and construction of gas works, and the laying, maintaining and repairing of gas pipes, mains and fixtures; to provide for the inspection of gas and gas metres, and to appoint an inspector if deemed expedient, and to prescribe his duties.

*Thirty-fifth*—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric or other wires along or across the streets of said city, and to require any and all wires to be placed in such manner as it may designate beneath the surface of the street or sidewalk.

*Thirty-sixth*—To designate where lumber, shingles, laths and other building material shall be piled or stored, and to require any person handling, dealing in or owning any such to remove the same when it may endanger any building or other property near the same, by exposing such building or property to risks by fire, and also to regulate and designate where the following kinds of business or amusement may be, or may not be, hereafter located or carried on, to-wit: wind mills, wood yards, foundries, machine shops, woodworking shops, tanneries, factories, dye houses, boiler shops, rendering houses, glue factories, soap factories, storehouses for oil, gunpowder, dynamite, petroleum, or other dangerous or explosive oils or substances, storehouses for hides, stables, roller rinks and base ball grounds.

*Thirty-seventh*—To remove or require to be removed any buildings which, by reason of dilapidation or defects in structure or other cause, may have or shall become dangerous to life or property, and to provide for the punishment of all persons who shall maintain such nuisances. The expense incurred in making such removal shall be a lien upon the lot or parcel of land on which such building was situated, and may be assessed and collected in the same manner as other special assessments or any tax, or may be enforced by civil action in any court having jurisdiction.

*Thirty-eighth*—To require the owner or occupant of any building or structure in said city to place therein such fire escapes and such appliance for protection against and for extinguishment of fires as it may direct, and also to require such owner or occupant to construct, provide and furnish any building with means of egress in such manner as it may deem necessary and expedient to lessen the danger to human life in case of fire or accident.

*Thirty-ninth*—To require the owners of buildings or other structures which have been destroyed by fire to take such step as it may deem necessary or expedient to prevent accidents to persons or property from falling walls or other substances, or any other cause, and in case of the refusal or neglect of said owner to adopt any such means as may be so directed or prescribed, then to cause the same to be done at the expense of such owner, and to collect the cost thereof by special assessment on the land on which such structure stood, or to recover the same in a civil action in any court having jurisdiction.



*Fortieth*—To license and regulate hackmen, draymen, expressmen, and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor and all police officers to regulate and direct the location of vehicles at such railroad depot or station.

*Forty-first*—To require and provide for the removal, in such manner and in such streets as it may determine, of any swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, or other foul or unhealthy stuff, and to assess the expense of such removal upon the property from which such above-named matter or things shall be taken, and to direct, locate, regulate and prohibit the construction of privies, and prescribe the limits within which no privies shall be constructed unless connected with public sewers.

*Forty-second*—To compel railway companies to grade the crossings of streets across all railway tracks in the city the full length of their right of way or of their tracks in or upon said streets and to keep the same in repair, and to build and maintain suitable sidewalks across the right of way or tracks in said streets for the accommodation of foot passengers, and to build and maintain culverts, drains and sewers across the full width of the right of way or under the tracks in the streets, alleys and highways in the city, when and where the same shall be deemed necessary by the city council, and to regulate and prohibit any railway company, its servants or employes, from obstructing the streets or crossings in said city.

*Forty-third*—To regulate the construction and building of chimneys and smokestacks within the limits of the city; also the emission of dense smoke; to prohibit the erection or maintenance of any insecure or unsafe building, cracked wall or chimney, and to declare the same, or any part thereof, a nuisance, and to provide for its summary abatement.

*Forty-fourth*—To define and declare what shall constitute a nuisance, and to prohibit all persons from committing or continuing such nuisance or suffering the same to exist, and to provide for the removal and abatement of any nuisance, and for the assessment and collection of the expense thereof against the property upon or from which the same is abated or removed.

*Forty-fifth*—To control and regulate the cutting of ice in the Minnesota river within the limits of the city.

*Forty-sixth*—To regulate the penning, herding and pasturing of animals within said city.

*Forty-seventh*—To license and regulate all persons vending, dealing in, giving away or disposing of spirituous, vinous, fermented, mixed, malt or other intoxicating liquors within the limits of said city, and to designate the places where and conditions upon which any such liquors may be sold, and to prohibit the sale of such liquors in all or any part of said city, and to restrain or prohibit any person from selling, giving away, disposing of or dealing in any kind of intoxicating liquors in said city unless so duly licensed by said city council, and to prescribe and impose punishment therefor; and in any prosecution under this chapter or under any ordinance of said city for selling, giving away, disposing of or dealing in any kind of intoxicating liquor in said city without being duly licensed, the finding of intoxi-

ating liquors on the premises in question shall be *prima facie* evidence of their sale on said premises; and establishing the fact of one's having drank what appears to be intoxicating liquor on any premises shall be *prima facie* evidence that such liquor was intoxicating; and the term "intoxicating," wherever it occurs herein, shall be understood to mean spirituous, fermented, vinous, mixed or malt liquors;

*Provided*, that no license for dealing in such liquors shall be issued for less than the minimum sum fixed by the General Laws of the state, and the city council may fix the time, not exceeding one year from the date of issuance, when any and all licenses issued by it or under its authority shall expire.

*Forty eighth*—To prohibit the running at large of dogs, and may license and regulate the keeping of the same, and may impose a tax thereon, and to authorize the destruction of dogs when at large contrary to the ordinances.

SEC. 6. The city council may impose punishment for the violation of any ordinance of the city, or of any portion thereof, to the extent of a fine, not exceeding one hundred (100) dollars, or imprisonment in the city prison or common jail of Carver county, not exceeding ninety (90) days, and offenders against such ordinances may be required to give security to keep the peace and for good behavior for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

SEC. 7. The city council may also provide by ordinance that anyone convicted of an offense before a city justice, subjecting such offender to punishment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, and in case of male offenders, may be kept at hard labor during his term of imprisonment in such workhouse or upon the streets, highways or public works or improvements of said city, or any or all of them; and may also provide by ordinance that any one convicted of an offense before a city justice, and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city as aforesaid, or in case of male offenders may be kept at hard labor either in such workhouse or upon public streets, public works or improvements, or both, until such person shall work out such fine at such rate of compensation as the council may prescribe, for a time not exceeding the time for which he is committed; and the city council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons and to prevent the escape of such persons; *Provided*, that unless otherwise ordered by the city council, the county jail of the county of Carver shall be used as the city prison or workhouse of the said city; and it shall be the duty of the sheriff or jailer of said county to take into custody and safely keep in jail all persons committed thereto, unless discharged according to law; and when the said jail is so used, the prisoners of the city shall be in custody of the sheriff of said Carver county, except while working on the streets, public works or improvements of the city, as aforesaid, during which time they shall be under the control of the police force of said city; *Provided, further*, that the police of said city are authorized to take any prisoner from said jail who has been sentenced to work upon the streets, public works or improvements of said city, for the purpose of carrying such sentence into effect.

SEC. 8. The city council shall have power to establish and maintain the city prisons and workhouses for the imprisonment, custody and safe keeping of all prisoners retained or charged with any offense whatever in any way cognizable before a city justice; to make all proper rules and regulations for the government and management of such prisons and workhouses; to appoint keepers and officers for the same; to prescribe the duties and fix the compensation of the keepers of said prisons and workhouses; and said keepers shall have all the authority of a jailer at common law or the laws of the state.

SEC. 9. Ordinances and by-laws shall be passed by an affirmative vote of a majority of all the members of the city council, by ayes and nays, which shall be entered in the record, and every ordinance shall be approved by the mayor and published in the official paper of the city before it shall take effect. No ordinance shall be passed at the same meeting of the council at which it shall have been presented except by the unanimous consent of all members present, which shall be noted in the record; but this shall not preclude the passage at the meeting at which they are introduced of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 10. All ordinances, after the same are approved, shall be recorded by the city clerk in a book provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith. The record of such ordinance and affidavit of such publication or any copy of any such ordinance published in any compilation of ordinances made under the direction of the city council, shall be *prima facie* evidence of such ordinance, and the regularity of all proceedings relating to the adoption and approval thereof, and of the due publication thereof, shall be admitted as evidence in any court of this state without further proof.

SEC. 11. The city council may at any time create and define the powers and duties of such standing committees composed of its own members as it may deem proper, and it may at any time delegate to any such committee such powers and authority as it may deem proper, and may revoke any such power and authority and abolish any such committee at its pleasure. It may from time to time appoint special committees from its own members and prescribe their powers and duties. All acts performed by any committee within the scope of the authority conferred on it by the council shall be as binding and of the same validity as if performed by the council itself.

SEC. 12. All courts of this state shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinance in any court.

SEC. 13. No appropriation of the funds of said city shall be made without the vote of the majority of all the members of the council in its favor, which vote shall be taken by ayes and nays and be entered upon the record among the proceedings of the council.

SEC. 14. The city council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, city justices and all other officers, and the accounts of the city at such times as it may deem proper, and also at the end of each year and before the term for which the respective officers were elected or appointed shall have expired; and the council shall require any and every officer to give an account of his books and accounts and vouchers for such examination

and settlement. And if any such officer shall refuse to comply with the orders of said council in the discharge of his duties in pursuance of this section, and shall neglect or refuse to return his accounts or present his books or vouchers to said council, or any proper committee thereof, it shall be the duty of the council to declare the office of such person vacant; and the council shall order suits and proceedings at law to be commenced and prosecuted against any officers of said city who may be found delinquent or defaulting in his accounts or his official duties, and shall make a full record of all settlements and adjustments; and neglect of duty by any officer shall be sufficient cause for his removal from office by the council.

SEC. 15. The city council shall have the management and control of all finances and all property of the city, and may purchase any property deemed proper and necessary for the interest and convenience of the city and its inhabitants, and may sell any property of the city when deemed for the interest of the city or its inhabitants. All the legislative power granted by the charter shall be vested exclusively in the council of the city, except as otherwise provided.

SEC. 16. The city council shall have power to acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all purposes connected with any department thereof, and for all streets, alleys, driveways, boulevards, public squares and parks in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works, structures or improvements, in the manner hereinafter in this charter provided.

SEC. 17. Any license issued by authority of the city council may be revoked at any time by the mayor or council; and upon conviction before any court of any person holding such license, for a violation of the provisions of any ordinance relating to the existence of any right granted by such license, the said court may revoke such license in addition to the penalty provided by law or by ordinance for any such violation, and the second conviction of any such violation shall operate to revoke such license without any further act or ceremony.

## CHAPTER V.

### FINANCES AND TAXATION.

SECTION 1. There shall be an assessor for the city, styled city assessor, who may in the discretion of the council be authorized, at his own expense, to appoint one or more deputies, subject to the approval of the council, and such deputies may be discharged at the pleasure of the assessor. The city assessor and his deputy or deputies shall qualify in the same manner, and, as to all territory within the limits of the city, shall perform all the duties now or hereafter required by assessors by the General Laws of the state, and shall have all the authority, rights and powers now or hereafter conferred upon assessors by such laws, and any act performed by a deputy shall be as valid as if performed by the assessor. Every deputy shall be under the control and direction of the assessor, and shall perform such duties as may be assigned him by the assessor.

SEC. 2. In all respects not herein expressly provided for, the city assessor and his deputies shall, in making assessments, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the General Laws of the state for the government of assessors.

The assessments shall be completed as soon as may be after the first (1st) day of May, and shall be returned to the city clerk, to be by him laid before the council on or before the first (1st) Monday of July of each year.

SEC. 3. The city council shall constitute a city board of equalization, and shall be sworn according to law as such board, and meet in the council room in said city on the first (1st) Monday of July of every year for the purpose of reviewing the assessment, and shall alter, revise, amend and equalize said assessment as it deems just and proper. A majority of such board shall constitute a quorum to transact business. ●

It shall be the duty of the city assessor to be present at all meetings of said board of equalization for the purpose of presenting to said board all facts relating to the assessment. Such board of equalization is vested with and shall perform all the powers and duties which are or may be vested in or imposed upon either town or county boards of equalization under the General Laws of the state, so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal property as returned by the assessor, and may raise the valuation of any real estate without notice to the owner.

SEC. 4. Said board of equalization may sit [from] day to day or adjourn from time to time as it may deem proper, until it shall have completed the equalization of said assessment. It shall complete such equalization on or before the third (3d) Monday of July of each year, and shall have power to employ such clerk or clerks as may be necessary to complete the same within said time. Every person aggrieved by an assessment shall have the right to appear before such board and present his grievance for its consideration. It shall be the duty of the city attorney to attend the hearing of such grievances before said board, and whenever it appears that any property is listed or assessed at less than its true value to call the attention of said board to such undervaluation, and to make application in behalf of the city for the correction of the same.

SEC. 5. When the assessment roll shall have been revised by the board of equalization and the proper corrections made therein, and on or before the third (3d) Monday of July, the same shall be returned to the county auditor of Carver county. After such equalization, the city clerk shall attach to said assessment roll a certificate which may be substantially in the following form:

"I hereby certify that the assessments in the assessment roll to which this certificate is attached have been equalized by the board of equalization of the city of Chaska, and appear therein as so equalized by such board." And such equalization shall require no further authentication.

SEC. 6. The city council may determine the time of the commencement of the fiscal year of said city, and, until otherwise determined, such fiscal year shall commence on the second (2d) Monday of March of each year.

SEC. 7. All revenues of the city shall be divided into the following funds, and a separate and distinct account shall be kept of each:

*First*—A revenue fund, in which all revenues of the city shall be placed except such as are directed to be placed in some other fund.

*Second*—A poor fund, in which shall be placed all taxes levied and revenues received for the support of the poor of the city.

*Third*—A fire department and water works fund, in which shall be placed all taxes levied and revenues received for the maintenance of the fire department and for furnishing the city with a water supply.

*Fourth*—An interest fund, in which shall be placed all taxes levied and revenues received for the payment of interest on the bonds and indebtedness of the city.

*Fifth*—A sinking fund, in which shall be placed all taxes levied and revenues received for that purpose.

*Sixth*—A permanent improvement fund, in which shall be placed all taxes levied and revenues raised for that purpose, and all sums raised for improvements by special assessments upon the property benefited.

SEC. 8. The revenue fund may be used for any lawful city purpose, and money may be transferred therefrom to other funds by the city council.

SEC. 9. The city council shall have power to and shall annually levy taxes on all taxable property in the city liable therefor, and to defray the current expenses of the city for the next fiscal year; for the support of the poor of the city; for the opening, maintaining and improving of streets, highways and public grounds and the building of bridges and culverts; for the construction of buildings and improvements of a general character, and for the payment of the interest upon and the indebtedness of the city.

SEC. 10. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the purposes for which the same is levied. Such resolution may be substantially in the following form:

*Resolved*, That for the fiscal year commencing March. ....the following sums be and hereby are levied upon the taxable property of the city of Chaska, to-wit:

For the revenue fund, the sum of.....dollars.

For the poor fund, the sum of.....dollars.

For the fire department and water works fund, the sum of.....dollars.

For the interest fund, the sum of.....dollars.

For the permanent improvement fund, the sum of.....dollars.

For the sinking fund the sum of.....dollars.

Passed this.....day of.....

Ayes, aldermen.....

Nays, aldermen.....

.....  
*President of the City Council.*

Attest.....

*City Clerk.*

Approved.....

*Mayor.*

SEC. 11. The city council shall cause to be transmitted to the county auditor of Carver county, on or before the tenth (10th) day of October in each year, a statement of all taxes by it levied, except as otherwise provided in this charter, and such taxes, as well as all assessments for local improvements, statements of which shall be therewith-transmitted to said auditor, shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid, and the payment thereof enforced, and the county treasurer of said county shall pay over all city taxes by him collected, together with all penalties and interest which shall be collected on account of the same, to the city treasurer, at the times provided by law for payment over of town taxes.

SEC. 12. No money shall be paid out of the city treasury unless such payment shall be authorized by a vote of the city council and upon orders signed by the mayor and countersigned by the city clerk. Each order shall specify the purpose for which it is drawn, the fund out of which it is payable and the name of the person in whose favor it may be drawn, and shall be made payable to the order of such person.

SEC. 13. When any order on the treasurer shall have been paid, it shall not again be issued, but shall be immediately cancelled and filed away in his office. The council may provide for the examination, from time to time, of all cancelled orders and for their destruction, preserving such records thereof as it may deem proper.

SEC. 14. No limitation or restriction contained in this charter shall be construed to prohibit the levying of taxes to pay any judgment recovered against said city, but in case any such judgment be recovered, the council shall, at the time of making the next annual tax levy, after the rendition of such judgment, levy and assess a special tax upon all taxable property in the city sufficient to pay such judgment. Such judgment shall be paid by the city treasurer upon presentation to him of a certified copy of the docket entry thereof, if he has in his hands sufficient funds not otherwise appropriated; and in case there are not sufficient funds unappropriated to fully pay the same, he shall pay thereon such amount as may be in his hands so unappropriated.

SEC. 15. The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of its members, issue the bonds of said city, bearing interest not exceeding eight (8) per cent per annum, and for a time not exceeding one (1) year, in such amounts and under such regulations as the council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds at any one time outstanding shall not exceed one-half ( $\frac{1}{2}$ ) of such taxes and revenues; *And, provided*, that such bonds, or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they were issued.

SEC. 16. It shall be lawful for the city council to levy each year a corporation poll tax upon every qualified voter of said city not over fifty years of age, and provide by ordinance for the payment and collection of the same; *Provided*, that said tax shall not in any one year exceed the sum of two (2) dollars on each person so assessed and liable therefor.

## CHAPTER VI.

## STREETS, SIDEWALKS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. *City Council to Have Control.*—The city council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets that may have been opened and graded to be kept open and in repair and free from nuisances, and shall have power to build and keep in repair bridges, lay out and open, alter and vacate public squares, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten the same, subject to the assessment of damages provided for in this act.

SEC. 2. *Establishment and Change of Street Grades.*—The city council shall have power and may cause to be established from time to time, whenever they deem it necessary and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor, or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds within said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk in a book or books of profiles kept for that purpose, and whenever such grade aforesaid has once been established it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council elect.

SEC. 3. *Sidewalks—How Built and Maintained.*—It is hereby made the duty of all owners of lands adjoining any highway, street, lane or alley in said city to construct, reconstruct and maintain in good order and repair such sidewalks along the side of the street, lane, alley or highway next to and adjoining the land of such owners, respectively, as may have been heretofore constructed or as shall hereafter be constructed or directed by the city council to be built, in such manner and of such material and width and upon such place and grade as the city council may by ordinance or otherwise prescribe.

SEC. 4. *Liability for Insufficient Sidewalks.*—It shall not only be the duty of all owners of land within said city to keep in good order and repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist along or abutting upon their respective lots or parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe passable condition; and no action shall be commenced or maintained against the city of Chaska by any person injured through or by means of any defect in any sidewalk unless the owner of the land along which such sidewalk is so defective is joined in said suit as a party defendant; and in case of judgment against the defendant in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if such city shall pay such judgment it shall become the owner of the same and may enforce payment thereof from the other defendant, and shall be entitled to execution therein against him and to take such other proceedings as judgment creditors are entitled to take.



SEC. 5. *Liabilities for Obstructions and Excavations in Streets.*—All persons who shall, by means of any excavations in or obstruction upon any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendant, and in case of judgment against the defendants in such action execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until the execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner thereof and may enforce payment of the same from the other defendant or defendants, and shall be entitled to execution therein against him or them and to take such other proceedings as judgment creditors are entitled to take.

SEC. 6. *Service upon Absent Defendant.*—Whenever any party is joined with said city as co-defendant in any action for [the] insufficiency of any sidewalk or street, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

SEC. 7. *Limitation of Actions.*—No action shall be maintained against the city of Chaska on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare unless such action shall be commenced within one (1) year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city or the city clerk thereof, within ninety (90) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and the person so injured will claim damage of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason. Nor shall any such action be maintained for any defect in any street until the same shall have been graded and opened for travel, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built.

SEC. 8. *Railroad Company Not to Obstruct Streets.*—No railway company nor street railway company shall have any right, in clearing their tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants for all damages sustained, and in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover the same from the company by whom the obstruction was caused.

**SEC. 9. *No Liability for Insufficiency of Streets—When.***—The acceptance of plats of additions of any grounds, or subdivisions thereof, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets until the city council shall direct the same to be graded and opened for travel.

**SEC. 10. *Vacating Streets—Exclusive Power of Council.***—The city council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one or more residents and freeholders in said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by plat of such public grounds, streets, alleys or highways proposed to be vacated, and it shall be verified by the oath of the petitioners. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The city council, thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said order, before the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such order, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of the county of Carver.

**SEC. 11.** The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of all its members, lay out, establish and open any new street, alley or public ground, or straighten, widen or extend any street or alley that now exists or may be hereafter laid out and established, upon the petition of five (5) or more residents and freeholders of said city. Such petition shall set forth the facts and reasons upon which the action of the city council may be invoked, and shall accurately describe the alteration prayed for, or the new street, alley or ground proposed to be laid out or extended, and if for a new street, alley or ground, shall contain the names of the owners of all lands which shall be affected thereby. Such petition shall be accompanied by a plat of such proposed street, alley or ground, or alteration of an existing street or alley, which plat shall be filed with the city clerk for the inspection of any and all persons interested in or affected by the proposed action of the city council. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice by publication in the official paper of the city for four (4) consecutive weeks, which notice shall contain a statement that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered, together with any and all objections thereto,

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SEC. 6. *Service upon Absent Defendant.*—Whenever any party is joined with said city as co-defendant in any action for [the] insufficiency of any sidewalk or street, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

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SEC. 11. The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of all its members, lay out, establish and open any new street, alley or public ground, or straighten, widen or extend any street or alley that now exists or may be hereafter laid out and established, upon the petition of five (5) or more residents and freeholders of said city. Such petition shall set forth the facts and reasons upon which the action of the city council may be invoked, and shall accurately describe the alteration prayed for, or the new street, alley or ground proposed to be laid out or extended, and if for a new street, alley or ground, shall contain the names of the owners of all lands which shall be affected thereby. Such petition shall be accompanied by a plat of such proposed street, alley or ground, or alteration of an existing street or alley, which plat shall be filed with the city clerk for the inspection of any and all persons interested in or affected by the proposed action of the city council. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice by publication in the official paper of the city for four (4) consecutive weeks, which notice shall contain a statement that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered, together with any and all objections thereto,

by the city council on a certain day and place therein to be specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by it for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested. The city council may thereupon, after hearing the same, or upon the report of such committee, make such order upon such petition as it may deem expedient, and if two-thirds ( $\frac{2}{3}$ ) of all the members of the city council vote in favor of granting such petition, such order shall declare such street, alley or public ground laid out and established, or extended or altered as the case may be, otherwise such order shall declare such petition rejected. The order so made by said city council shall be entered at length in the records kept by the city clerk and a certified copy thereof shall be filed for record in the office of the register of deeds in and for said county of Carver, and shall be published once in the official paper of said city.

SEC. 12. The damages sustained by reason of laying out, widening, altering or vacating any street, alley or public ground may be ascertained by the agreement of the owners of the lands affected and the city council, and unless such agreement is made, or the owners shall in writing release all claims to damages, such damages shall be assessed in the manner hereinafter prescribed, before the order made by the city council, as hereinbefore provided for, shall take effect. In case the city council and the owners claiming damages cannot agree, or in case the owner of any land affected is unknown, the city council shall assess and award damages, and in its assessment and award of damages the city council shall specify the amount of damages assessed and awarded to each owner, giving a brief description of each parcel of land for injury to which damages are awarded. The city council shall assess the damages at what it deems just and right to each individual claimant with whom it cannot agree, and deposit a statement of its assessment and award with the city clerk, who shall note thereon the time of filing the same. The city council, in all cases of assessing damages, shall estimate the advantages and benefits which may be conferred on any claimants as well as the disadvantages, and award damages accordingly.

SEC. 13. Any person feeling aggrieved by any order or award of damages made by the city council pursuant to the provisions of the three preceding sections or any of such provisions, may, within twenty (20) days after the publication of any such order, or the filing of any such award, appeal therefrom to the district court of said county of Carver, by serving upon the mayor of said city, either personally or by copy left at his office or usual place of abode, a notice in writing specifying what portion of the order or action of the city council is appealed from, and the object of such appeal, and if from an award of damages, the amount of damages claimed by such appellant, and the grounds on which such appeal is taken. Such notice, with proof of service thereof, shall be filed with the clerk of said court, and such appeal may be brought on for trial by either said appellant or the city council, and shall be tried and determined as appeals from the actions of town supervisors and county commissioners respecting the location of public highways are tried and determined. If upon such trial the determination of the city council shall be affirmed the appel-

lant shall pay all costs, otherwise such costs shall be a charge against and be paid by the city, and upon the determination of such appeal, said city council shall act in accordance with such determination and proceed to carry out the same as if it had originally so determined.

## CHAPTER VII.

### LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The municipal corporation of the city of Chaska is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon such other property to be benefited by such improvements as it may designate, without regard to a cash valuation.

SEC. 2. Such assessments may be made by the city of Chaska for filling, grading, leveling, sprinkling, curbing, walling, planking, constructing bridges upon or otherwise improving any street, lane, alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane, alley, highway or public grounds and for planting shade trees upon or otherwise ornamenting the same, and for procuring grounds for any public building; also, for filling, grading, protecting, ornamenting or otherwise improving any public square, park or ground now or hereafter laid out; also, for constructing, laying, erecting and repairing crosswalks and sidewalks, gutters, sewers, private drains, and the abatement of any and all public nuisances within said city.

SEC. 3. The city council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the costs of such repairs, together with a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed with and preserved by the city clerk. The city council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots or parcels of land fronting or abutting upon sidewalks which have been repaired by the street commissioners the cost of making such repairs, and the same shall be returned, collected and enforced in the same manner as city taxes.

SEC. 5. The city council may, at any time, for the purpose of anticipating the levy and collection of such assessments and of meeting the demands against the city for such improvements, by a vote of two-thirds (2/3) of those present and voting, issue the bonds of said city in such form and amounts and under such regulations as it may prescribe, for a time not exceeding two (2) years, and bearing interest not exceeding eight (8) per cent per annum, or the city council may issue orders drawn upon the city treasury therefor, bearing interest

not exceeding eight (8) per cent per annum, and the proceeds of such bonds or orders shall be applied to the purposes aforesaid, and the collections from such assessments, in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same.

SEC. 6. The city council may by ordinance prescribe the manner of exercising the powers conferred by sections one (1) and two (2) of this chapter (except as herein otherwise provided) and the manner of condemning and acquiring any private property for public parks or grounds, or the erection thereon of public buildings.

## CHAPTER VIII.

### FIRE DEPARTMENT.

SECTION 1. *Power to Establish Fire Limits.*—The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings, the material or construction of which shall be regarded as not fireproof, or as dangerous to surrounding property, shall not hereafter be erected, enlarged, replaced or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such a manner and of such materials as in the judgment of the city council shall not be dangerous to surrounding property, and to prohibit the repairing or enlarging or rebuilding of wooden buildings within the fire limits without its consent, when the same shall have been damaged by fire, or otherwise, to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. Any building hereafter erected, enlarged, rebuilt, replaced or repaired in violation of the provisions of any ordinance passed pursuant to this act, is hereby declared and shall be deemed a public or common nuisance, and the city council, in addition to other penalties, may provide for the abatement of such nuisance. The jurisdiction of the district court of Carver county is hereby extended to enjoin and prohibit any threatened or attempted violation of any ordinance passed pursuant to this section, and it shall be deemed adequate ground for the granting of such remedy that any person is about to violate any provision of such ordinance, notwithstanding that a penalty be provided in such ordinance for any such violation thereof.

SEC. 2. *Powers of Council to Prevent Fires.*—The city council shall have the power by resolution to order any building, structure or materials therefor hereafter erected, or in the process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have the power to prescribe the notice to be given to the owner, occupant or agent to remove such building and materials, and in case the same is not removed in pursuance of the notice given, to order the same taken down or removed by the police, in such manner as the council may see fit. And the city council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by a city justice upon the complaint of any citizen.

**SEC. 3. *Further Powers to Prevent Fires.***—The city council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the throwing of ashes into streets or alleys; to require the inhabitants to provide as many fire buckets and in such a manner and time as they shall prescribe and to regulate the use of them in times of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of firearms and fireworks; to compel owners or occupants of buildings to have scuttles in the roofs and stairs or ladders to the same; to authorize the mayor, councilors, fire wardens or other officers of the city to keep away all idle or suspected persons and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

**SEC. 4. *Wooden Sidewalks may be Prohibited.***—The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city and to prescribe other material to be used therefor whenever they deem the safety of the city requires it.

**SEC. 5. *Fire Apparatus and Companies.***—The city council shall have power to purchase fire engines and all other apparatus or material which may be necessary or required for the extinguishment of fires; to erect and maintain fire alarm telegraphs and boxes; to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support, compensation and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of such company which may be authorized to be formed shall be exempt from poll tax and from serving on juries during their continuance of such membership, and shall elect their own officers and make their own laws, subject, however, to the approval of the city council.

**SEC. 6. *Chief Engineer and Officers.***—The mayor, with the consent of the city council, shall annually appoint a chief engineer of the fire department of said city to take charge of the same, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define their respective duties and compensation, and make all needful orders and regulations for the government of the whole fire department. The chief engineer may at any time, by and with the consent of the city council, remove or discharge any such officers or men as he may deem for the interest of the city.

**SEC. 7. *Penalty for Refusing to Obey Orders at Fires.***—Whenever any person shall refuse to obey any lawful order of any engineer, fire warden or councilor at any fire it shall be lawful for the officer giving such order to arrest or to direct orally any constable, police officer, watchman or any citizen to arrest such person and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any



such lawful order or who shall refuse to arrest or aid in arresting any person so refusing to obey shall upon conviction before a city justice be punished by a fine not exceeding fifty (50) dollars and costs and prosecution, and to be imprisoned until such fine and costs are paid, not exceeding sixty (60) days; *Provided*, that the officers of said city shall be exempt from the provisions of this section.

**SEC. 8. *Fire Marshals and Fire Wardens.***—The city council shall have power to appoint a fire marshal of said city, and one (1) fire warden for each ward to see that the ordinances of the city relating to precaution against dangers from fires are not violated, and who shall have power and are hereby authorized to enter any dwelling house at all reasonable hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and to examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced. The city council may require the fire marshal to examine particularly into the cause of every fire which shall happen within the city and make report thereof as the council may require.

## CHAPTER IX.

### POLICE DEPARTMENT.

**SECTION 1.** The police department of the city of Chaska shall consist of the mayor, a chief of police, and such subordinate policemen, watchmen and other officers as may be authorized by the city council and appointed by the mayor. The mayor shall appoint the chief of police, all police officers and watchmen, and all other officers pertaining to each department. The mayor may at any time remove or suspend any officer or member of said department, and no person so suspended shall receive any compensation during the time of such suspension.

**SEC. 2.** The mayor may, at the request of any person, firm, corporation, society or organization, appoint a policeman or watchman, who shall serve without expense to the city and have police powers within such limits and at such places as may be designated in such appointment, but such limited policeman or watchman shall not exercise any authority nor wear any badge of office outside the limits named in such appointment.

**SEC. 3.** The mayor may in case of any mob, riot, pestilence, large public gathering, great public excitement or other emergency, or for days of election, public celebrations or public parades, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue for more than one week without the consent of the city council.

**SEC. 4.** All police officers and watchmen and all members of the police force shall possess and may exercise all the powers of constables at common law or by the laws of this state, and when performing any of the duties of constables shall be entitled to like fees to be taxed and collected in like manner, but the city of Chaska shall not be liable to them for any such fee.

**SEC. 5.** The mayor or acting mayor, chief of police, the sheriff of Carver county and his deputies, the city justices and all police officers and watchmen shall be officers of the peace and may command the

peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens.

SEC. 6. If any bystanders or citizens shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section, he shall upon conviction thereof in any court having jurisdiction be punished by fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

SEC. 7. If any person shall without authority assume to act as a policeman or pretend to have any such power or wear the badge of a policeman within said city, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before a city justice he shall be punished by fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

## CHAPTER X.

### CITY JUSTICES AND COURTS.

SECTION 1. The justices of the peace for the city styled city justices and each of said city justices shall possess all the authority, power and rights of a justice of the peace for the county of Carver under the laws of this state, and in addition thereto shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trials for offenses cognizable before a justice of the peace, committed in said city, and all such offenses for violation of any provisions of the charter or of any ordinance or by-law, rule or regulation made or adopted by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the city or its charter. In all prosecutions for assaults, batteries and affrays, and for all other offenses cognizable and triable before a justice of the peace (except as herein otherwise provided) and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace, and removals of any cause from either of said city justices to the other, or as provided by the law of this state, and appeals from the judgments and decision of said city justice shall be allowed as now provided by law for removal of causes and appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays, and in all cases of convictions under ordinances of the city for breach of the peace, disorderly conduct, keeping house of ill-fame or frequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justice shall have power in addition to the fines or penalty imposed to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars. All fines and penalties imposed by the city justices for offenses committed within the city limits or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 2. The city justices shall, as often as the city council may require, report to the city council all the proceedings instituted before them in which the city is interested, and shall, at the same time, account for and pay over to the city treasurer all fines and penalties collected or received by them belonging to said city.

SEC. 3. In all prosecutions for offenses cognizable and triable before a justice of the peace, committed in said city, said city justices shall be authorized to tax, in addition to all other legal costs, one (1) dollar for trial fee, but said fee shall in no case be collected from said city; and the residence of said city justices, or of any person summoned as a juror for the trial of any action pending before said city justice, in said city, shall not deprive said city justices of jurisdiction, or disqualify such person from serving as such juror in any action brought by or against said city when said city justice would otherwise have jurisdiction or such person be otherwise qualified to serve as such juror.

SEC. 4. The said city justices shall, upon complaint made, proceed to hear and dispose of in a summary manner, and without intervention of a jury, all suits, prosecutions and proceedings brought before them, or either of them, for any violation of an ordinance, by-law or regulation of said city.

SEC. 5. All prosecutions for any violation of this act, or for the violation of an ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant upon complaint made as required by law in criminal cases before a justice of the peace; *Provided*, that no warrant shall be required in any case of the arrest of any person made while such person is in the act of violating any law of the state, or any ordinance, by-law or regulation of said city, but in such cases a complaint shall be made after such arrest, which the justice shall reduce to writing, and the party arrested shall be required to plead thereto as to a warrant in other cases, and the person so arrested may be proceeded against in the same manner as if the arrest had been made upon a warrant.

SEC. 6. All process issued by a city justice for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be in the name of the "City of Chaska" and shall be directed to the chief of police or to any police officer of said city.

SEC. 7. Whenever the accused, tried for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be acquitted, he shall be immediately discharged, and if said city justice shall certify in his docket that the complaint was willful and malicious and without probable cause, he shall enter judgment against the complainant for costs of prosecution, and execution may issue therefor; *Provided*, that in no case shall any such judgment for costs be entered against any officer of said city who as such may make any such complaint.

SEC. 8. Whenever any person shall be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty prescribed for any such violation, he shall be adjudged to pay all costs and disbursements of the prosecution, and in default of payment of such fine and costs and disbursements shall be imprisoned in the common jail of said county of Carver for a period not exceeding three (3) months.

## CHAPTER XI.

## MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged except the vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen of the city shall so order.

SEC. 3. No person shall be incompetent as judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any action or proceeding in which the city shall be a party in interest.

SEC. 4. When any suit or action shall be commenced against said city, service of the process therein may be made by leaving a copy of such process with the mayor or acting mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof and take such other proceedings as by ordinance or resolution said city council may have or shall in such case provided.

SEC. 5. No law of the state concerning provisions of this act shall be considered as repealing, amendatory, or modifying the same, unless said purpose be expressly set forth in said law.

SEC. 6. The chief of police shall collect the corporation or poll tax which may be levied by the city council, and said chief of police shall have and possess all the power created by the laws of this state for the collection of said tax.

SEC. 7. All ordinances, resolutions, regulations and by-laws made and adopted by the village council of the village of Chaska and now in force in said village not repealed, suspended, modified or made void by any express provision of this act, shall continue and remain in force and effect in said city until altered, amended, repealed or suspended by or under the authority of the city council or proper authority in pursuance of this act.

SEC. 8. The city council may from time to time provide for the compilation and publication of the charter and ordinances of the city, and such resolutions and other matter as may be designated.

SEC. 9. All claims and demands against the city shall be itemized and duly verified by the claimant, or some person having personal knowledge thereof, before the same shall be allowed by the city council.

SEC. 10. All records, files and papers of the city shall be deemed to be public records, and at all reasonable times shall be open to the examination and inspection of all persons, and shall be *prima facie* evidence in all courts of the facts stated therein.

SEC. 11. This charter is hereby declared to be a public act, and all courts shall take judicial notice thereof, and it shall not be necessary to plead or prove the same in any court.

SEC. 12. The city of Chaska shall care for and support the pauper poor residing in said city, but no relief shall be granted to any pauper poor person nor shall the city be liable to pay for or chargeable with the support of, or for any relief to, or for medical or surgical attendance upon, or for medicines prescribed or furnished to any such

pauper poor person unless ordered or contracted for by the proper authorities and in the manner hereinafter provided. Whenever the mayor or acting mayor of said city shall be petitioned by three (3) or more resident freeholders of said city to grant public support or medical or surgical aid to any person, he shall immediately investigate the matter of such application, and if satisfied that such person is in need of such support or aid and has a legal settlement in and is a legal charge upon said city, he shall grant such temporary relief to such person as the exigencies of the case may require until the next meeting of the city council, at which time he shall lay such application, together with such information as he may deem pertinent thereto, before said city council. If said city council shall be satisfied that such person is a proper subject for relief from said city, it shall direct the time and manner in which such relief shall be furnished, and the extent thereof.

SEC. 13. For the purposes of the first election under this act the village council of the village of Chaska shall perform and discharge all duties respecting the designation of places of holding elections, the appointment of judges and clerks of election, the conduct of election, and the canvassing, determining and declaring the result of such election imposed by this charter upon the city council of said city, and in case said election cannot be called and held pursuant to the provisions of this act, at the time and in the manner by this act provided, then such election shall be called and held at such time as such village council of said village of Chaska may appoint, and within ten (10) days after this act shall take effect, upon at least five (5) days' notice to be given by said village council by posting in three (3) public places in each of the wards of said city.

SEC. 14. Whenever, in the exercise of any of the powers conferred by this act upon the city council, it becomes necessary or convenient for said city council to take and appropriate private property, said city council shall have power to, and shall, by ordinance, prescribe the manner in which said private property shall be condemned and appropriated to such public use and the manner of ascertaining and determining the damage and compensation therefor and making award thereof.

SEC. 15. The city council may, whenever deemed necessary or expedient, cause to be made at the expense of the city repairs upon any highway leading into the city, beyond the city limits.

SEC. 16. All acts heretofore passed for the incorporation of the village of Chaska, and amendatory thereof, and all acts inconsistent with this act are hereby repealed; but the repeal of any and all such acts or parts of acts shall not in any manner affect, injure or invalidate any bonds, contracts, suit, claim or demand that may have been duly and lawfully entered into, issued, commenced, or that may exist under and by virtue of or in pursuance to the said acts or any of them, but the same shall exist, be enforced and carried out by and against the city of Chaska, as fully and effectually to all intents and purposes as against said village, had this act not been passed.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

## CHAPTER III.

[S. F. No. 183.]

### AN ACT TO INCORPORATE THE CITY OF HENDERSON.

*Be it enacted by the Legislature of the State of Minnesota :*

#### CHAPTER I.

##### CITY AND BOUNDARIES.

SECTION 1. That all that district of country contained within the limits and boundaries hereinafter described shall be a city by the name of the city of Henderson, and the people who now do and hereafter may reside therein, shall be a municipal corporation by the name of the city of Henderson, and by that name shall sue and be sued and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purpose of the corporation may require or the transaction or exigencies of the business may render convenient, within or without the city, and the same shall be free from taxation; shall be capable of contracting and being contracted with, and have the general powers possessed by municipal corporations at common law; and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The limits and boundaries of said city shall be as follows: Lots one (1) and two (2) of section number one (1), lot four (4), and the south half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section number twelve (12), lot number four (4), and the southeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the west half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section number two (2), the east half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the west half ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section number eleven (11); all the foregoing described land being in town number one hundred and twelve (112) north, of range number twenty-six (26) west, shall be and the same is hereby created a city by the name of Henderson.

#### CHAPTER II.

##### ELECTION AND OFFICERS.

SECTION 1. There shall be held an annual election for elective officers, hereinafter provided, on the first (1st) Monday of April of each and every year, at such place as the city council shall designate, and shall be conducted in all respects in accordance with the general election laws of this state, except as hereinafter qualified. Ten (10) days' previous notice shall be given by the city council of the time and place of holding such election and the officers to be elected, by the posting by the city clerk three (3) written notices in the most public places in the city, or by publishing such notice in a newspaper

printed in said city. The polls shall be opened at nine (9) o'clock A. M. and close at five (5) o'clock in the afternoon of said day. The city council shall, in due time, before any election, appoint such number of judges of election as may be necessary to constitute a full board, as provided by general law.

SEC. 2. Special election for any purposes shall be held and conducted in all respects as general or annual elections under this charter, and upon a notice of not less than ten (10) days, which notice shall distinctly specify the object of said election.

SEC. 3. The elective officers of said city shall be a mayor, clerk, treasurer, four (4) aldermen and one (1) justice of the peace, who shall be styled city justice. All of said officers shall be residents in and qualified voters of said city. All other officers necessary for the due and proper management of the affairs of the city shall be elected or appointed by the city council, unless otherwise provided.

SEC. 4. The mayor and justice of the peace shall each hold their offices for one (1) year. The clerk and treasurer shall each hold their offices for three (3) years. The aldermen shall each hold their offices for two (2) years. All officers elected or appointed as provided in this act shall hold their offices for the respective term provided herein for them and until their successors are elected and qualified; *Provided*, that the present officers of the borough of Henderson, a municipal corporation heretofore existing under the special laws of this state, shall hold their respective offices for the full term for which they were elected; and the city council shall so arrange, as soon as practicable, that two (2) aldermen be elected each year, except to fill vacancies, and for that purpose shall, previous to the first election next to be held under this charter, and at any subsequent election, in case of filling vacancies, designate for what term, if any, aldermen shall be elected in order to arrive at and maintain the desired requirement of electing two (2) aldermen each year.

SEC. 5. The official term of all officers elected under the provisions of this act shall commence on the second (2d) Wednesday after the first (1st) Monday of April.

SEC. 6. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered within twelve (12) days after such vacancy shall occur. Any vacancy occurring in any other office shall be filled by the city council.

SEC. 7. Any officer removing from the city, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment to qualify or enter upon the discharge of his duties, shall be deemed to have vacated his office, and such vacancy shall be filled as herein provided.

SEC. 8. All persons qualified to vote for state officers, who shall have resided in the city of Henderson for ten (10) days next preceding any election, shall be entitled to vote at any city election, and all qualified voters shall be eligible to any municipal office herein constituted; and a plurality of votes shall constitute an election.

SEC. 9. At the close of the polls on any general or special election, the votes shall be counted and a true statement thereof proclaimed to the voters by some one of the judges of election, and the city clerk shall make a true copy thereof in a book kept for such purposes, and within three (3) days notify, in writing, the persons so elected of their election.

SEC. 10. Whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be forthwith determined by lot in the presence of the judges of election in such manner as they shall direct.

SEC. 11. Should there be a failure by the people, for any cause, to hold any city election, at the time or in the manner herein prescribed, or to elect any officers herein required to be elected on the day designated, the city council may order a new election to be held, ten (10) days' notice of time and place being given; *Provided*, that no failure of the city clerk to give the notice of election specified in section one (1) of this chapter shall in any manner invalidate any general election.

SEC. 12. The city council shall, except as herein otherwise provided, at the first meeting of the said council after the annual election, or an adjournment thereof, nominate and appoint an attorney, marshal, assessor, street commissioner, and also at the same time, or as soon thereafter as may be, all such other officers necessary for the proper management of the affairs of the city or offices created by virtue of this act. The appointment of such officers shall be determined by ballot and shall require the concurrence of a majority of all the members of the city council elect.

SEC. 13. The official term of all officers of the city appointed by virtue hereof shall commence on the third (3d) Monday in April next succeeding their appointment, and shall hold their respective office for one (1) year and until their successors are appointed and qualified, except as herein or otherwise differently provided. Warrants of appointment shall be issued to all appointed officers of said city in such form and manner as may be prescribed by the city council.

### CHAPTER III.

#### POWERS AND DUTIES OF OFFICERS

SECTION 1. Every person elected by the people or appointed by the city council to any office, may be removed from said office by a vote of three-fifths ( $\frac{3}{5}$ ) of all the members of the city council, but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he has had an opportunity to be heard by the city council in his defense. The city council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer neglects to appear and answer the charges against him, the city council may declare the office vacant.

SEC. 2. Every person elected or appointed to any office under this act shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same, duly certified by the officer administering the same, with the clerk of said city, and the treasurer, the clerk, the marshal, the street commissioner, and such other officers as the city council may direct, shall, before entering upon the duties of their respective offices, be required to execute such bond to the city of Henderson as the council thereof may direct and ap-



prove, for the faithful performance of the duties of such office, and any officer failing to give the required bond prescribed by this act or by the city council, or failing to file his oath of office, as aforesaid, shall be deemed to have vacated said office. The city council shall have the right to increase or diminish said bond at any time.

SEC. 3. The mayor shall preside at all the meetings of the city council, unless unavoidably absent, in which case the council may appoint one of the aldermen as acting mayor, and, unless otherwise provided by resolution of the council, the powers and duties of such acting mayor shall expire with the meeting for which he was appointed. The acting mayor has all the powers and duties of the office of mayor, when he, for any reason, properly assumes to act as such, and all acts performed by him when so acting shall have the same force and validity as if performed by the mayor. The mayor shall have a vote on all questions before the council and in the appointment of all city officers.

SEC. 4. All ordinances and resolutions shall, before they take effect, be presented to the mayor and he shall sign the same. All contracts, appropriations and orders drawn on the treasurer shall be signed by the mayor, and if the mayor refuses to sign any such an ordinance, resolution, contract, appropriation or order he may be removed, as provided in section one (1) of this chapter.

SEC. 5. The city clerk shall keep his office at such a place as the city council may determine. He shall keep the corporate seal and all the papers and records of the city or papers by law required to be filed in his office. He shall keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend, and shall keep a record of the ayes and nays when demanded by any member of the council. Copies of all papers filed in his office, certified by him, under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the city treasurer for the payment of accounts against the city of Henderson duly audited and allowed by the city council, and also all orders on the city treasurer for any appropriation of funds made by the council or orders on the city treasurer for the payment of salaries fixed by general or special ordinance of the city council; *Provided, however*, that in case of the payment of salary the account need not be audited by the council; *And be it further provided*, that any three (3) aldermen may sign and serve upon the said city clerk, at least three (3) days before any officer's salary becomes due and payable, a written order instructing the said clerk to issue no order for the payment of the said officer's salary, and the said order so served shall be binding upon the city clerk until three (3) days after the said salary shall have become due and payable; and if before the expiration of the three (3) days last mentioned no action has been taken by the city council sustaining the order of the three (3) aldermen above mentioned, then the clerk shall issue and countersign an order on the city treasurer for said salary, as provided by ordinance. The city clerk shall keep a register of orders, in which he shall enter, in the order in which they were issued, all orders upon the city treasurer, entering, at the end of each fiscal year, opposite each order, the date of its redemption by the treasurer and to whom paid. The city clerk shall make and keep a list of outstanding city bonds or certificates of indebtedness, to whom issued, for what purpose, when and where payable, and the rate of in-

terest they respectively bear. The city clerk shall also keep an accurate and detailed account, in a book for that purpose, between himself and the city treasurer; he shall charge the treasurer's account with all moneys paid to said treasurer, and at the end of the fiscal year credit said treasurer with all moneys lawfully paid out by him. The clerk shall also keep such other books of records or accounts as the council may direct. The city clerk shall enter in a book kept for that purpose a record of all ordinances and resolutions adopted by the city council. It shall be the duty of the clerk to report to the council the financial condition of the city whenever the council may require. All chattel mortgages or other evidence of indebtedness on property situated within the limits of the city of Henderson shall be filed in the city clerk's office, and he shall receive for such services the same fees as are allowed town clerks under the laws of the state. The city clerk shall have power to administer oaths or affirmations and to take acknowledgments. Every contract made in behalf of the city shall be void unless attested by the official signature of the city clerk and the corporate seal attached thereto, except as otherwise provided in this act. The city clerk shall countersign all bonds, orders or other evidence of indebtedness of the city and attach the corporate seal thereto. All claims, demands and accounts against the city shall, before they are allowed by the council, be filed in the clerk's office and be verified by the oath of the claimant. The city clerk shall receive all moneys due and payable to the city, from whatever source, giving his receipt therefor, and within three (3) days pay the same over to the city treasurer, taking his receipt therefor. He shall issue and sign all licenses issued under this act, or any ordinance, resolution or by-law of the city or of the council, except licenses for the sale of intoxicating liquors, which shall be signed by the mayor and countersigned by the clerk. The city clerk shall be clerk of the city board of review and shall, as such, perform said duties in the same manner and have the same powers as the clerk of a town board of review under the general laws of the state. The city clerk shall perform all other services by law required of clerks of cities or townships within said city, but when services are required of him by public law, for which compensation is made from state or county treasury, such service shall not be regarded as services for the city, and he may retain such compensation in addition to the salary paid him by the city. The city clerk shall perform such other and further duties as may be prescribed herein or by any ordinance of said city, and any fees allowed to him by any ordinance may be retained by him in addition to his regular salary.

SEC. 6. The city council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of a clerk, a deputy clerk. Whenever the clerk and deputy clerk are absent, or are for any reason unable to act, the city council may appoint a clerk *pro tempore*, and said clerk, so appointed, as well as the deputy clerk, when acting as city clerk, shall have the same powers and be subject to the same duties and liabilities, as the city clerk, and shall be paid for their services out of the salary of the city clerk, unless otherwise directed by the council.

SEC. 7. The city attorney shall be a person admitted to practice law in all the courts of this state, and shall be the legal adviser of all officers of said city upon all subjects arising by virtue of this act. He

shall attend and prosecute or defend all suits, actions or proceedings, either civil or criminal for or on behalf of said city or in which the city may be a party. He shall, when required, furnish written opinions upon any subject, arising by virtue of this act, submitted to him by the city council or any of its committees, attend the meetings of the city council, when requested, and shall perform all other professional services incident to his office. He may, in his temporary absence, or other inability, at his own expense, with the approbation of the mayor, designate some other attorney to act in his stead for the time being.

SEC. 8. The treasurer shall receive from the city clerk all moneys and revenues belonging to the city, keep an accurate and detailed account thereof, in such manner as the council may direct, shall pay out money only on orders drawn upon him duly signed by the mayor, and attested by the clerk of said city, and make such reports, exhibits, and perform such other and further duties as may be required by the charter or ordinance of said city.

SEC. 9. The city justice of said city shall have and possess all the rights, powers and authority of justices of the peace under the general laws of the state, and in addition thereto the city justice of said city shall have sole and exclusive jurisdiction of all suits, prosecutions or proceedings for any violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, or for the recovery of any fine, forfeiture or penalty under any such ordinance, by-law or regulation, and shall also have exclusive jurisdiction of all actions, suits or prosecutions for any violation of this act which are or may be within the jurisdiction of all justices of the peace. All prosecutions for any violation of any such ordinance, by-law or regulation, or for the recovery of any such fine, penalty or forfeiture shall be commenced and prosecuted in the name of the "City of Henderson," and the same proceedings shall be had as are or may be provided by law in civil or criminal cases tried before justices of the peace, except as herein otherwise provided. All fines imposed or collected in such cases for any such violation, and also all fines imposed or collected in any action, proceeding or prosecution tried before the city justice, for any violation of law committed within said city, shall occur [accrue] to the benefit of said city and to be paid over to the city clerk for the benefit of the city within three (3) days after said fine is collected. The city justice shall, upon complaint made, proceed to hear and dispense of, in a summary manner and without the intervention of a jury, all suits, prosecutions and proceedings brought before him for any violation of an ordinance, by-law or regulation of said city or of the said city council thereof.

SEC. 10. All prosecutions for any violation of this act, or for the violation of any ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace; *Provided*, that no warrant shall be required in any case of the arrest of any person made while in the act of violating any law of the state of Minnesota, or ordinance, by-law or regulation of said city, but in such cases a complaint shall be made after such arrest, which the justice shall reduce to writing, and the party arrested shall be required to plead thereto, as to a warrant in other cases; and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made upon a warrant.

SEC. 11. All process issued by the city justice of said city for the violation of any ordinance, by-law or regulation of said city, of any police or health regulation of said city, shall be in the name of the "City of Henderson" and shall be directed to the marshal or any police officer of said city. In all cases of the imposition of any fine or penalty by the city justice of said city for the violation of any ordinance, by-law or regulation of said city, if said fine or penalty be not paid the offender shall be forthwith committed to the common jail of Sibley county and there be imprisoned and kept, at the expense of the county, for a term not exceeding ninety (90) days, in the discretion of the justice, unless said fine or penalty be sooner paid; and from the time of the trial he may be imprisoned in said jail of said Sibley county.

SEC. 12. The city justice shall be entitled to receive from the county of Sibley such fees in criminal cases, prosecuted in the name of the state of Minnesota, as are or may be allowed to other justices of the peace for similar services, and from the city of Henderson for services rendered in cases prosecuted in the name of the "City of Henderson" such fees as shall be allowed by law, and in cases of absence, or sickness or inability of said city justice, the mayor may authorize any other justice of the peace in the county of Sibley to perform the duties of such city justice, and said justice shall possess, for the time being, all the power, authority and rights of said city justice.

SEC. 13. Whenever any person [shall] be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty prescribed, he shall be adjudged to pay all of the costs and disbursements of prosecution, and in default of payment of such fine and costs and disbursements shall be imprisoned in the common jail of Sibley county not exceeding ninety (90) days, in the discretion of the justice.

SEC. 14. In all prosecutions for assault, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justice, the same forms and proceedings shall be had and used, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; *Provided*, that in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray, or other offense cognizable by a justice of the peace or by a city justice, committed within the city limits, no appeal shall be allowed when the judgment or fine imposed, inclusive of costs, does not exceed twenty-five (25) dollars. In all cases of conviction for assaults, batteries and affrays within said city, and in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for good behavior and to keep the peace for a period not exceeding six (6) months and in a sum not exceeding five hundred (500) dollars. All fines and penalties imposed by said city justice for offenses committed within the limits of said city for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the general revenue of said city. In all actions, prosecutions and proceedings of every kind before the city justice,

such city justice shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinance in said court.

SEC. 15. The city marshal shall be the chief of police of said city, and shall perform such duties as shall be prescribed by the city council for the preservation of the public peace and as may be required of him by ordinance.

All police officers of said city shall be and possess the powers of constables at common law, or by the laws of this state, and it shall be their duty to execute and serve all warrants, process, commitments and all writs whatsoever, issued by the city justice, for any violation of the laws of the state of Minnesota, or the ordinances, by-laws or regulations of said city, and also all writs and process issued by said city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice anywhere in this state, and when performing the duties of constables, as aforesaid, shall be entitled to like fees. It is the duty of all police officers to see that all ordinances, health and police regulations are duly observed. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or of any violation of the laws of this state or the ordinances or by-laws of the city, and for these purposes, shall have the powers of constables at common law while on duty; *Provided*, that no person shall be eligible to an appointment of police officer, who is not able to read and write the English language, of good health and physique and a resident and citizen of said city.

SEC. 16. If any person shall, without authority, assume to act as a policeman or wear the badge of a policeman within said city, he shall be deemed guilty of a misdemeanor, and, on conviction thereof before the city justice, he shall be fined such amount or imprisoned for a time not exceeding ninety (90) days, in the discretion of the court.

SEC. 17. The assessor shall, at the time of his appointment, be a resident and qualified elector of said city, shall have and possess all the authority, rights, powers and duties of assessors under the general laws of this state, except as hereinafter provided and qualified. Nothing herein contained shall be construed to prevent one person from holding the offices of city clerk and assessor at the same time.

SEC. 18. The city council may also, whenever it may deem it necessary, authorize the said assessor to appoint one or more assistants, who shall have the same qualifications as the assessor, to aid him in said assessment, and whose compensation shall be fixed by the city council, but no appointment of assistants shall be valid or in force until the same is confirmed by vote of the city council.

SEC. 19. The city council shall constitute the board of review, and a majority thereof shall constitute a quorum, who shall be sworn according to law as such board and meet at such place in said city as may be designated by order of the council in the assessor's notice, at the time provided by law for the meeting of town boards of review, and revise, amend and equalize the assessment made by the city assessor. It shall be the duty of the assessor to be present at all meetings of said board and present to them all facts relating to the assessment. Such board of review is vested with all the powers which are or may be vested in county boards of equalization under the general laws of this state, but shall not be restricted by any limitation in respect to

reducing aggregate sums of real and personal property as returned by the assessor. They and the clerk shall receive as compensation for their services the sum of two (2) dollars per day.

SEC. 20. The street commissioner shall, under the direction of the council or a committee thereof, superintend all work and improvements on the streets, bridges and public grounds of said city, except as may be otherwise prescribed by the council and carry into effect all orders and ordinances of the city council or orders of the street committee of said body in relation to work or improvements on the streets, roads, sidewalks, alleys, bridges and public grounds; and it shall be his duty to see that the same, when graded and open for travel, are kept in such repairs as to be safe and passable, and shall perform such other services as hereinafter prescribed, and account for all moneys collected or property received or under his control belonging to the city.

SEC. 21. Any person having been an officer of said corporation shall, within three (3) days after notification and demand, deliver to his successor in office, or other duly authorized person or persons, all property, papers and effects of every description in his possession belonging to said city or pertaining to his office, and if he fail so to do, he shall forfeit and pay to the use of said city the sum of five hundred (500) dollars, to be recovered in a civil action, besides all damages caused by his neglect or refusal to so deliver; and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

SEC. 22. All officers of the city having charge of any city property shall, at the close of each fiscal year, and at other times when required, make and return to the city council a complete inventory of all public property in their hands or control respectively. Such inventories shall be preserved and filed by the city clerk and kept open to inspection of all parties interested, but need not be printed in the proceedings unless the council shall so specially direct.

SEC. 23. The city council shall have the power at any time to define and require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to create such further offices and appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their powers and duties and fix their compensation, unless herein otherwise provided for.

SEC. 24. The city council shall have the power to fix the compensation or salary of all officers elected or appointed under this act. They also have the power to fix their own salary or per diem for the time necessarily spent in attending to the duties of their office and attending their meetings. All salaries or compensations shall be fixed by resolution at the time the office is created and at the commencement of the official year, or as soon after election or appointment as practicable, and when so fixed shall not be increased or diminished during the term for which such officers shall have been elected or appointed.

SEC. 25. All officers of the city, while holding such office, shall be exempt from serving as jurors in any court.

SEC. 26. That no city alderman or other officer of said city, except the street commissioner, while acting as such, shall directly or indirectly be a party to or interested or concerned in any contract or job

with said city, or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing of supplies, fuel or other articles purchasable for the public use, and any contract or transaction prohibited as aforesaid shall be void, and any city officer so offending shall, on conviction thereof, be removed from office by the city council.

SEC. 27. The mayor, or acting mayor, sheriff of the county of Sibley or his deputy or deputies, coroner and each city councilor, the city justice, chief of police, police officers and watchmen, shall be officers of the peace, and shall command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of bystanders and, if need be, all the citizens, organized or unorganized armed forces and military companies; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of not less than ten (10) dollars nor more than fifty (50) dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in order named, shall direct the proceedings.

SEC. 28. The mayor or acting mayor, the presiding officer of the board of review, shall, by virtue of their office, in all matters or proceedings before them relating to or pertaining to the city, be and are hereby empowered to administer oaths and receive testimony under oath or affirmation.

## CHAPTER IV.

### THE CITY COUNCIL—GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and city aldermen shall constitute the city council of the city of Henderson, and a majority thereof shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members. The style of all ordinances shall be "The city council of the city of Henderson do ordain."

SEC. 2. The city council shall hold regular or stated meetings on the first (1st) Wednesday of each month, at such times and places as they by resolution may direct. The first (1st) regular meeting after the annual election shall be held on the second (2d) Wednesday after the first (1st) Monday of April in each and every year. The mayor, or, at his refusal, any three (3) aldermen, may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode.

SEC. 3. The city council shall be the judges of the election, return and qualification of its own members, and in such cases have the power to send for persons and papers. It shall determine the rules of its own proceedings, punish its members for disorderly conduct and with the concurrence of two-thirds ( $\frac{2}{3}$ ) of all the councilors elected, expel a member after due notice given and an opportunity extended to the accused to be heard by counsel or otherwise, shall have power to compel the attendance of absent members and may provide for the punishment of such absent members. Continued absence from the meetings of the city council by any of its members for six (6) regular consecutive meetings shall be deemed good cause for removal.

SEC. 4. The city council shall keep a journal of its proceedings, and the ayes and nays, when demanded by any member present, shall be entered on the journal.

SEC. 5. The city council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and appeal all such ordinances, by-laws, rules, regulations and resolutions for the government, good order and cleanliness of the city, the protection of its property, for the suppression of vice and [in]temperance, the benefit of trade and commerce and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison, workhouse and watch-house, and make all needful rules and regulations therefor, for the imprisonment, custody and safekeeping of all persons arrested for or charged for any offense whatever. The city council shall have the exclusive right to exercise all the legislative powers granted by this act to the corporation, and has full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate any ordinance, by-law, rule or regulation passed or ordained by them, and all such ordinances, by-laws, rules and regulations are hereby declared to be and to have the force of law; *Provided*, they be not repugnant to the constitution and laws of the United States or this state; and for these purposes shall have authority, by ordinance, by-law, resolution or regulation:

*First*—To regulate and license exhibitions of common showmen and shows of all kinds, circuses, the exhibition of caravans, concerts and theatrical performances; also to license and regulate all auctioneers, hawkers, peddlers, public halls and other buildings and inclosures used for public resort and amusement, billiard tables, pigeon hole tables, nine or ten-pin alleys, bowling saloons, taverns and saloons, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors, and to provide and enforce such restrictions or prohibitions therefor as to the council seem proper; *Provided*, that all licenses for dealing in spirituous, vinous, malt or fermented liquors shall terminate on the first (1st) day of July of each year, and shall be at least five hundred (500) dollars, and as much higher as the city council shall direct, and the city council shall have exclusive rights to so license any person; *And, provided further*, that the city council may grant licenses to druggists and apothecaries to sell spirituous liquors within said city for medicinal, chemical and mechanical purposes only, for such sum as they may deem just and proper without regard to saloon licenses; *And, provided further*, that the city council shall not issue any licenses for the sale of spirituous, vinous, malt or fermented liquors for any sum less than the sum fixed under the provisions of any general law of this state.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to authorize the seizure and destruction of all instruments or devices used for the purpose of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct and disorderly assemblages in said city, and to provide for the arrest and punishment of any per-



son or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers or inmates thereof.

*Fourth*—To compel the owner or occupant of any cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, and as often as may be necessary for the health, comfort and convenience of the inhabitants of said city; to establish and maintain a public library and reading rooms.

*Fifth*—To regulate or prohibit the slaughtering of animals within said city; to direct the location and management of slaughter houses and markets, breweries, distilleries, and to establish rates for and license venders of gunpowder and regulate the storage, keeping and dealing in and conveying of gunpowder or other explosives, or combustible oil, substance or material.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes, or other public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

*Seventh*—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city or in the Minnesota river along the boundary line of the limits of said city.

*Eighth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese, or other animals, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances; *Provided*, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling of such animals, shall be deposited in the office of the treasurer of the city, for the use and benefit of the owners thereof, if called for by such owner within one (1) year from the day of sale, otherwise the same shall belong to the city.

*Ninth*—To prevent the running at large of dogs, may impose a tax or license on the same, impose fines upon the owners or keepers and authorize the destruction or killing of dogs, when at large contrary to the ordinances.

*Tenth*—To prevent all persons riding or driving any horse, mule, ox, or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to sidewalks, grounds or property.

*Eleventh*—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery, to improve and ornament the same, and make all regulations necessary for the care, protection and government thereof.

*Twelfth*—To prevent the discharging of fire arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the city council dangerous to the city or any property therein or annoying to any of the citizens thereof.

*Thirteenth*—To regulate the inspection of food, flour, pork, beef, salt, fish, whisky and other liquors and provisions, and to appoint inspectors, measurers, weighers and gaugers, and to prescribe and regulate their duties and compensation.

*Fourteenth*—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Fifteenth*—To prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth*—To direct and regulate or prohibit in any parts of the city the planting and preservation of shade or ornamental trees in streets, alleys, highways and public grounds of the city, and to provide for the punishment of any violation of the ordinances thereto relating.

*Seventeenth*—To regulate the place and manner of weighing and selling hay, straw, or other substances or feed, and the measuring, weighing and selling of firewood and other fuel, and to appoint suitable persons to superintend and conduct the same; to provide for a standard of weights and measures; for the appointment of a city sealer; to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

*Eighteenth*—To provide for, describe, and regulate or prohibit, the proper erection of hitching posts or rings for fastening horses or other animals, or to prohibit the same, in any portion of the city, in its discretion.

*Nineteenth*—To define and declare what shall constitute a nuisance, and enact ordinances to prevent the same and punish violations thereof, and to remove and abate any nuisance injurious to the public health or morals, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

*Twentieth*—To remove and abate any nuisance, obstruction or encroachments upon the streets, alleys, public grounds and highways of the city.

*Twenty-first*—To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city.

*Twenty-second*—To prevent any person from bringing, depositing, or having, within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unsound meat, flesh or fish, or hides or skins of any kind; to provide for the punishment for any violation of same, and to authorize the removal of the same at the expense of the owners.

*Twenty-third*—To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to provide for the erection of and control of water works and water supply to the inhabitants of the city, and regulate water rates; create, alter and extend water districts; for the lighting of the city, to create, alter and extend lamp districts; to control the erection of gas works or other works for the lighting the city streets, public grounds and public buildings.

*Twenty-fourth*—To regulate and license hacks, drays, carts, omnibuses, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles, prescribe standing places in the streets therefor, and to authorize the mayor or marshal to regulate and direct the locations of vehicles in the streets or alleys within said city.

*Twenty-fifth*—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and compel such occupant or owner to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and, in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant; also to compel the owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and, in their default, to authorize such filling or draining at the expense of such owner or owners.

*Twenty-sixth*—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

*Twenty-seventh*—To regulate the time, manner and place of holding public auctions or vendues and sales at public outcry.

*Twenty-eighth*—To restrain and regulate parties and processions.

*Twenty-ninth*—To regulate the penning, herding and treatment of all animals within the city.

*Thirtieth*—To prevent, control and regulate the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city; and also to regulate, control and prevent the landing of paupers and persons in destitute conditions into the city not having a legal settlement or residence therein, and to require that such persons be taken back to the place from whence they may have been brought by the persons bringing or leaving them in said city.

*Thirty-first*—To provide for, create and establish the police of said city; to prescribe the number of police officers and their duties, and regulate the same, and to provide for watchmen, designate their number and duties, and regulate the same.

*Thirty-second*—To regulate or prohibit the carrying or wearing by any person of concealed, dangerous or deadly weapons, and to provide for the confiscation thereof to the city.

*Thirty-third*—To control and regulate the cutting of ice in the Minnesota river within or along the boundary line of the limits of said city.

*Thirty-fourth*—To regulate the opening of hatchways, and compel proper guards about the same.

*Thirty-fifth*—To regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railroad tracks over such streets and highways as the city council may deem necessary.

*Thirty-sixth*—To compel railroad companies to grade their crossings of the streets, alleys and highways in the city to the full width and length of their right of way in said streets, alleys or highways, where the railroads cross the same in said city, and to keep the same

in repair, and to build and maintain suitable walks across the rights of way in said streets for the accommodation of foot passengers, and to build and maintain bridges, culverts, drains and sewers across the full width of their right of way in the streets, alleys and highways in said city, when and where the same shall be deemed necessary by the city council of said city.

*Thirty-seventh*—To name, change and regulate the name of streets, avenues and highways in said city.

*Thirty-eighth*—Said city shall have power to establish and maintain one or more ferries, pontoon or other bridges across the Minnesota river at such points as the city council shall determine, and to construct and keep in repair the roads leading to the same, and the council may establish and collect such reasonable tolls for crossing ferries or bridges as they may deem expedient.

*Thirty-ninth*—The city council shall have power to expend moneys on the highways and roads beyond the city limits into other towns and counties, whenever they deem it proper, and direct the street commissioner, or such other person as they may designate, when, where and in what particular manner to expend the same.

*Fortieth*—To levy and collect taxes, provide suitable buildings or offices for all necessary purposes of the city, appropriate money and provide for the expenses of the city government and to provide for the taking an enumeration of the inhabitants of said city from time to time.

*Forty-first*—To establish, lay out, alter, open, widen, extend, vacate, grade, repair, pave, and lighten or otherwise improve and keep in repair, the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also to regulate the width, material, construction and surface line of sidewalks, to prescribe different widths in different localities, and to prevent damage thereto.

*Forty-second*—To establish and record with the city clerk grades of streets, alleys, highways and walks to which buildings and other erections shall conform, and to provide for the inclosing, improving, adorning and regulating all the public buildings and grounds belonging to the city.

*Forty-third*—To regulate and control or prohibit the placing of poles, and suspending thereon or stringing of telegraph, telephone, electric light or other wires, along or across any of the streets, alleys or highways of said city, and may order the same to be put under ground in the streets or highways in said city.

*Forty-fourth*—To provide for or contract with any person, persons or corporations, for the lighting of such streets, parts of streets, public buildings and places as the city council shall deem proper for the convenience and safety of the inhabitants, and also for the supplying the city with water.

*Forty-fifth*—The city council may lay, regulate, or permit any party or corporation to lay gas or other pipes, water mains and pipes in any and all of the streets, alleys, highways and public grounds of the city, but in all cases the city council shall regulate the laying thereof so as not to interfere with the construction of sewers, or lateral branches thereof, or with the proper drainage of the city.

*Forty-sixth*—To prescribe limits in which neither wood, lumber, lath, shingle or hay, or other combustible materials can be piled or stored, or lumber yards established or maintained.

*Forty-seventh*—To appropriate such reasonable sum as they think proper, for the payment of music in the public parks of the city, as the city council may determine.

*Forty-eighth*—To direct the location, regulate and prescribe the construction of privies; to require and provide for the removal and disposition in such manner, with private parties or otherwise, throughout the city or in such districts, of any or all swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, dead animals, or other foul and unhealthy stuff, with the authority to assess, levy upon or compel the payment of the expense of such removal upon the property or owner thereof, from which such above-named matter or things shall be taken.

*Forty-ninth*—To provide for requiring owners of buildings or other structures which shall have been damaged by fire or otherwise, or which, by reason of dilapidation, defects in structure, or other causes, may have or shall become dangerous to life or property, or liable to cause accidents, to take the same, or any part thereof, down, or remove the same, and in case of refusal or neglect of said owner to so take down or remove the same, when ordered by the officer designated by said city council, then to cause the same to be done at the expense of the owner, the costs thereof to be raised by special assessment on the land on which the same stands.

SEC. 6. Fines, penalties and punishments imposed by the city council for the breach or violation of any ordinance, by-law or regulation of said city may extend to a fine not exceeding one hundred dollars (\$100) and costs, and imprisonment not exceeding ninety (90) days, or both, and to be fed on bread and water, in the discretion of the court, and offenders against the same may be required to give security for their good behavior, and to keep the peace, not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

SEC. 7. The power conferred upon the city council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SEC. 8. The city council shall have power at any time to revoke and cancel for cause any license issued under this act or by authority of any ordinance, by serving a written notice upon the person holding the same, that such license is revoked and canceled, and the same shall thereafter be null and void; and on conviction before the city justice of any person holding a license for a violation of the provisions of any ordinance relating to the exercise of any right granted by such license, or for misconduct in the course of trade, the said court may, and upon a second conviction shall, revoke such license, in addition to the penalties provided by law.

SEC. 9. All ordinances, by-laws and regulations of the city council shall be passed by an affirmative vote of a majority of all the members of the city council present, by ayes and nays, which shall be entered into the record, approved by the mayor and published before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented or proposed, except by unanimous consent of the members present, which shall be noted in the records; but this shall not preclude the passage of an ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 10. All ordinances, after the same are approved, shall be recorded by the city clerk in a separate book, provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication or a certified copy thereof shall at all times be deemed and taken as sufficient evidence of such publication.

SEC. 11. That all books and pamphlets published or which may be published, purporting on their title page to be published by the authority, order or direction of the city council, and purporting to contain the charter and ordinances of said city, standing rules, orders or resolutions of said city council, or either, are hereby declared to be competent and *prima facie* evidence of the contents thereof, and of the regularity of all proceedings relating to the adoption, approval and publication thereof, and shall be admitted as evidence in any court of this state without further proof; and the certificate of the city clerk that any printed slip or paper to which such certificate may be attached, contains, or is a true copy of any ordinance, resolution, proceeding of the city council, or other paper the original of which is presumably in the possession of said city clerk, shall constitute such printed slip or paper competent and *prima facie* evidence of the contents and purport of such ordinance, resolution, or proceeding of the city council or other paper, and of the legal passage, adoption, approval and publication thereof.

SEC. 12. The city council may, during their fiscal year, by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, issue the bonds or other evidence of indebtedness of said city, bearing interest not exceeding seven (7) per cent per annum and for a time not exceeding one (1) year, in such amounts and under such regulations as the council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds or other evidence of indebtedness outstanding shall not at any one time exceed one-third ( $\frac{1}{3}$ ) of such taxes and revenues; *And, provided further*, that the proceeds of such bonds or evidence of indebtedness shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may have been issued.

SEC. 13. The city council shall have power to acquire by purchase, lease, donation, grant or condemnation such private property as may be necessary for sites for public buildings or grounds for the use of the city, and all other necessary purposes thereof, in manner as herein provided, and may, by a unanimous vote of all the members thereof, sell and convey such real estate as the city may own and which is not needed for municipal purposes, and all conveyances heretofore made and executed by said corporation are hereby legalized and ratified.

SEC. 14. The city council shall examine and adjust the accounts of all city officers and agents of the city at such times as they may deem proper, and may require such officers or agents, whenever they deem it necessary, to exhibit to them all their books and papers belonging to their respective offices, and if such officer or agent shall refuse to comply with the order of said city council in discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The council shall make full records of all such settlements and adjustments.

SEC. 15. Whenever any person shall subdivide any lot or piece of ground within said city, he shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of this state relating to town plats, and when the survey and plat are so completed and acknowledged, it shall be presented to the city council; said city council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall deem expedient. When any plat is accepted by the city council, the city clerk shall so certify upon the face of such plat, with the corporate seal, when it may be recorded in the same manner and with the same effect as provided by the general law.

SEC. 16. If in any case any of the power granted to said city council, to be exercised by ordinances named in section five (5) of this chapter, or other provisions of this act, cannot well be exercised by the passage of ordinances, then and in that case, said city council may exercise any of said powers by means of the passage of resolutions.

## CHAPTER V.

### TAXES AND FINANCES.

SECTION 1. All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this state, except as hereinafter [expressly] provided; *Provided*, that nothing herein contained shall be construed as limiting the levying and collection of special assessments as provided for in this act.

SEC. 2. The city council shall have power to annually levy taxes on all taxable property in said city to defray the current expenses thereof, but such assessment and levy shall not exceed five (5) mills upon the dollar of the assessed valuation of such property.

SEC. 3. The city council shall have power to levy a special tax upon all taxable property within said city for the purpose of constructing and maintaining bridges, culverts, grading and improving streets, alleys and highways, including the building and repairing of sidewalks, crosswalks and sewers, and for other necessary and proper purposes of the city, or conducive to good order and cleanliness and the protection against crime, disease and fire; *Provided*, that such taxes shall in no year exceed ten (10) mills upon the dollar of the assessed valuation; *Provided, further*, that for the improvements in this section mentioned the city council shall have the power to assess the tax to pay the same upon the property benefited by such improvements, to such extent as the council think just and equitable, and in the manner as is herein provided.

SEC. 4. No money shall be paid out of the city treasury, except the salaries of city officers, unless such payment is authorized by a vote of the city council, and these shall be drawn out only upon orders by the mayor and countersigned by the city clerk, which orders shall specify the purpose for which they were drawn and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the council may determine, and may be transferred by indorsement.

SEC. 5. The city council shall have power and authority to borrow money, issue bonds and levy taxes for the purpose of carrying out any of the provisions of this act exceeding the amount authorized by other sections of this act, provided the same be authorized by a majority of the inhabitants who are qualified voters, present and voting at a general or special election held for that purpose, for which notice is given as at other elections. Whenever it shall be desired to submit to a vote the question of the issuing of any bonds authorized by this section, the same may be done in such form and manner as the council by resolution may prescribe. No bonds shall be issued by the city council for any purpose unless so authorized.

SEC. 6. All bonds issued in pursuance of the provisions of this act shall be under the corporate seal of said city, signed by the mayor and attested by the city clerk, and shall upon the face express the object for which they are given and shall not be negotiated for less than par value.

SEC. 7. All taxes may be levied by resolution of the said city council and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for the same is levied, but in such case the surplus shall go into the general fund of the city.

SEC. 8. The city council shall cause to be transmitted to the auditor of Sibley county on or before the first (1st) day of October in each year a statement of all taxes by them levied and also all special assessments levied upon any of the lots or portions of the city, and such taxes shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over as fast as collected to the city clerk of said city.

SEC. 9. No limitation or restriction herein contained shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city.

## CHAPTER VI.

### FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of any other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials and with such precaution against fire as the city council shall by ordinance prescribe, and to prohibit the rebuilding of wooden buildings within the fire limits and to prescribe the manner of obtaining the consent of the city council to make repairs in such fire limits, and to prevent the removal of any building not constructed of fire proof materials from any one place within to any other place within such fire limits.

SEC. 2. The city council shall have power to prescribe in what manner and of what materials chimneys shall be constructed and to prevent the dangerous construction and condition of chimneys, fire places, hearths, stovepipes, ovens, boilers and apparatus used in and



about any building, and cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets, alleys or public grounds of said city; to regulate the location and construction of smoke houses and prohibit them when they shall be deemed dangerous to other buildings, and to make any other provision to guard against fire or to prevent the spreading of fires which the city council may deem proper.

SEC. 3. The city council shall have power to organize a fire department and disband the same, to purchase, keep and maintain fire engines and other fire apparatus, and to build and maintain engine houses, hose houses, and such other buildings as may be necessary or convenient.

## CHAPTER VII.

### STREETS, SIDEWALKS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. The city council shall have the care, supervision and control of all highways, streets, alleys, wharves, levees, public squares and grounds within the limits of the city, and may lay out and open new streets and alleys, and extend, widen and straighten the same, and may build, maintain and repair bridges across streams, railway tracks and elsewhere, and may provide for the pavement of gutters or the road-bed of any street or alley.

SEC. 2. The city council shall have power to establish the grade of any street, when such grade has not been established, and may, by vote of four-fifths ( $\frac{4}{5}$ ) of the members of the council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grade of all streets to be made and kept in the office of the city clerk.

SEC. 3. The city council may also, by a vote of four-fifths ( $\frac{4}{5}$ ) of the members thereof, vacate any highway, street, lane or alley, or any portion of either; and such power of vacating highways, streets, lanes and alleys within the city of Henderson is vested in said city council, and no court, or other body or authority, shall have any power to vacate any such highway, street, lane or alley, nor any plat or portion of any plat of lands within said city.

SEC. 4. All work done or construction made pursuant to the provisions of this chapter may be done by the direct employment of labor and purchase of materials by said city, or the same may be let by contract to the lowest responsible bidder therefor, as the city council may in each case determine. If let by contract, the city council shall require of the bidder a bond, in such sum and with sureties, to be approved by said council, for the faithful performance of the contract to the satisfaction and acceptance of said council. When the council determine to let any work by contract, they shall advertise for bids for doing such work by publication for two (2) weeks in a paper published in the city. If, in the opinion of said council, no just, reasonable, or sufficient bid shall have been received for any such work after advertising as aforesaid, or if the person to whom the same is let shall fail in any particular to duly perform the same, the city council may have such work or any part thereof done by the direct employ-

ment of labor and purchase of material by said city; *Provided*, that in all cases where practicable, the said work or construction shall be let and performed by contract.

## CHAPTER VIII.

### LOCAL IMPROVEMENTS.

SECTION 1. The city council of the city of Henderson is hereby authorized to levy assessments for local improvements upon property fronting such improvements, or the property benefited thereby, without regard to the cash valuation of said property; that whenever an assessment shall be thus levied, it shall be based upon the estimates of the city council, and whenever the amount collected by virtue of an assessment shall exceed the actual cost of the improvement, the surplus shall be retained as a special fund, to expend in repairs or otherwise upon the streets, alleys or sidewalks in front of the property assessed.

SEC. 2. Such assessments may be made for filling, opening, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening any street, lane, alley or highway, and for keeping the same in repair; also for filling, grading, protecting, improving or ornamenting any public park, square or grounds now or hereafter laid out; also for planting and protecting shade trees and ornamental trees, and also for constructing, laying, relaying and repairing sidewalks, area walls, gutters, sewers and private drains.

SEC. 3. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground upon which it is to be built to be properly graded.

SEC. 4. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, reconstruct and maintain in good repair, such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or shall hereafter be constructed, or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may, by ordinance or otherwise, prescribe. Whenever the city council shall deem it necessary that any sidewalk in the city of Henderson shall be constructed, or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution twice in some paper printed or published in said city shall be sufficient notice to the owner of the land along which such sidewalk is to be built to construct the same, and unless such owners shall, each along his respective land, construct and fully complete such sidewalk within two (2) weeks after the last publication of such resolution, as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same, and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as is provided for the collection of special assessments under the provisions of this charter; and the city council may, either before or after making such assessment, cause such portion of such sidewalks

as have not been built by the owners of such lands fronting on the same, and all street crossings, to be built by the street commissioner or upon contract, or in any other manner, as the council may determine.

SEC. 5. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which repairs are made, and such report shall be carefully filed and preserved by the city clerk, and the city council, shall once in each year, at or as near as conveniently may be the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by the street commissioner the cost of making such repairs. In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the street commissioner to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed, and collected with the assessment for such reconstruction.

SEC. 6. Money to rebuild or repair sidewalks, when the same shall be done by the street commissioner under this act or in case of building by a contractor, may be advanced by the city, to be reimbursed by the special assessment when collected.

SEC. 7. Whenever the owners of two-thirds ( $\frac{2}{3}$ ) of the amount of frontage and of assessed values of lots or lands, and the buildings or improvements thereon fronting on any continuous portion of any street in this city, not less than one (1) full block, shall petition the city council to provide for sprinkling such portion of said street, the city council may make a contract for sprinkling such portion of such street for any time not exceeding one (1) season, upon such terms and conditions, and for such portion of the year, as shall be deemed advisable. The supply of such water shall be deemed the proportion the city should bear for such sprinkling for the street crossings and all parts of such streets fronting on land exempt from assessment. The whole cost of sprinkling such portion of the street shall be levied and assessed upon the lots and lands fronting upon that part of the street so sprinkled and which are subject to assessment, and the buildings and the improvements thereon, by an equal rate on the assessed value of such lots, lands, buildings and improvements without regard to the number of front feet; such levy to be made annually at the time of making the general city tax levy.

SEC. 8. Whenever the city council shall have ordered the construction of any sidewalk, and the owners of the land along which such sidewalk is to be built shall refuse, or for the space of two (2) weeks neglect, to construct the same according to the order of the city council, the street commissioner shall report to the city council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building such sidewalk along each of such lots and parcels of land. Such estimates shall not be binding upon the city council, but advisory merely, and the council may obtain any other information as to such cost, and the council

shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land; and thereupon the city council shall assess and levy upon and against such lot and parcel of land so reported (after correcting mistakes, if any), along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the city council may adopt:

The city council of the city of Henderson doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of.....a sidewalk along the.....side of.....from.....to.....in accordance with a resolution of the city council, passed.....day of .....A. D. 18....., and duly published in.....on the.....day of.....A. D. 18..... The amount passed against and levied upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land.

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	AMOUNT.	
				DOLLARS.	CENTS.

Done at a meeting of the city council, this.....day of .....A. D. 18.....

Attest:

.....

*Mayor.*

.....

*City Clerk.*

SEC. 9. Assessments for repairs of sidewalks may be in the following form, or any form which the city council may adopt:

The city council of the city of Henderson doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel.

This assessment is made to defray the cost of repairs of sidewalk fronting upon each lot or parcel which the respective owners have neglected to make, and which have been made by the street commissioner since the.....day of.....A. D. 18..... The amount assessed against and levied upon each of said lots and parcels of land is the actual cost of repairs of sidewalks abutting upon such lot or parcel, and so repaired by such commissioners.

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	AMOUNT.	
				DOLLARS.	CENTS.

Done at a meeting of the city council this.....day of.....  
A. D. 18.....

Attest: .....

*Mayor.*

.....  
*City Clerk.*

SEC. 10. Assessments for sprinkling streets may be in the following form, or any other form which the city council may adopt:

The city council of the city of Henderson doth hereby assess and levy upon and against the several lots and parcels of land below described, and the buildings and improvements thereon, the respective sums of money set opposite each lot or parcel.

This assessment is levied to defray the expense of sprinkling the streets fronting said lots and parcels of land from.....  
A. D. 18.....to.....A. D. 18.....according to a contract for sprinkling.....from.....to.....  
.....for the term of.....from.....  
.....and the said lots and parcels of land, buildings and improvements assessed by an equal rate upon the assessed value of lots, lands, buildings and improvements fronting the portion of the streets so sprinkled.

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	AMOUNT.	
				DOLLARS.	CENTS.

Done at a meeting of the city council this.....day of.....A. D. 18.....

Attest: .....

*Mayor.*

.....  
*City Clerk.*

SEC. 11. The city clerk shall record all assessment rolls of special assessments in books kept by him for that purpose, and shall on or before the first (1st) Monday in October of each year deliver to the county auditor of Sibley county all such assessment rolls theretofore recorded, and the county auditor shall extend the assessments in

proper column against the property assessed, and each assessment shall be collected and the payment thereof enforced, as any county and state taxes are collected and enforced, and such assessments shall be paid over by the county treasurer when collected to the city clerk in like manner as other taxes.

## CHAPTER IX.

### CONDEMNATION OF PRIVATE PROPERTY TO PUBLIC USE.

SECTION 1. Whenever the city council shall intend to lay out and open, change, widen or extend any highway, street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses therein, or take ground for the use or improvement of a harbor, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the city clerk and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city for such use or in fee; but otherwise they shall, by resolution, declare their purpose to take the same, and therein described by metes and bounds the location of the proposed improvements and the land proposed to be taken therefor, defining separately each parcel and the amount hereof owned by each distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place, when and where they will apply to the city justice of the city for a jury to condemn and appraise the same. They shall thereupon cause to be made by the city clerk a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the council will, at the time and place named, apply to the justice for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by any person on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in a justice court, and the return on the summons shall be conclusive evidence of the fact stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week, for three (3) successive weeks, in a newspaper published in such city or county; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three (3) weeks complete, at least one (1) week before the time fixed therein for such application. If any person so served with notice shall be a minor, or of unsound mind, the justice, before proceeding, shall on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate and act for such ward.

SEC. 2. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice, as provided in the last section, shall be filed with the justice, who shall thereupon make a list of twenty-four (24) competent jurors, not interested; but residents of the city shall not be disqualified by reason of such residence. He shall hear

and decide any challenges for cause or favor, made by anyone, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the city council by its representative on one side, and owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the justice, on the other, shall challenge six (6) names, one at a time alternately, the city council beginning. To the twelve (12) jurors remaining the judge shall issue a venire, requiring them at an hour on a day named, not more than ten (10) nor less than three (3) days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such venire shall be served by any constable or police officer at least one (1) day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family of suitable age and discretion. The jurors summoned shall appear at the time and place named; and if any be excused by the judge, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead until twelve (12) be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and, if found necessary, the damages occasioned thereby, and faithfully discharged their duties as jurors according to law.

SEC. 3. Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him, to hear such competent evidence as shall be produced by any party; and for such purposes such magistrate shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement for damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvements; and a majority of such jury may render such verdict or appraisement of damages and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn and proceed in the same manner.

SEC. 4. Within ten (10) days after verdict, any land owner whose land has been found necessary to be taken may appeal from the award of damages to him in such verdict, to the district court, and the city may likewise appeal from the award of damages to any owner by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith a bond with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for

his return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken, the magistrate shall transmit to the clerk of the district court, within ten (10) days, the notice of the appeal and bond, and thereto annex the copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing is expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings. Upon filing such transcript in the district court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to trial and appeal to the supreme court. The case shall be tried by a jury, unless waived, and cost shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment, the clerk of the district court shall transmit a certified copy thereof to the city clerk.

SEC. 5. If the verdict of the jury first called find it necessary to take such land or any part thereof, the city council may, upon return thereof to the city clerk, enact an ordinance in accordance therewith, for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing or opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, or for the use or improvement of a harbor, but shall not enter upon any such land therefor until the owner be paid in full or the damage be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the city clerk to permanently remain subject to his order. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part of the same, the amount so awarded shall be set apart in the city treasury for who [ever] shall be entitled thereto, and paid over to the person or persons who shall show a clear right to receive the same. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for damages, the city council may discontinue all proceedings theretofore taken, and the city shall, in such event, be liable for the cost only. All the cost of every such proceeding shall be paid by the city, except when it recover costs in the district or supreme court. Fees and costs shall be the same as in civil action.

SEC. 6. For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property and of making any improvement mentioned in the last preceding section, the city council may, by resolution, levy and assess the whole, or any part not less than one-half (½) of such expenses, as a fair tax upon such property as they shall determine is especially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week for two (2) weeks in a newspaper printed regularly in such city, or if there be no such newspaper, three (3) copies thereof shall be



posted by the city clerk in three (3) of the most public places in such city, and a notice therewith that at a certain time therein stated the said council will meet at their usual place of meeting and hear all objections which may be made to such assessment, or any part thereof. At the time so fixed, the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day not more than three (3) days, and may, by resolution, modify such assessment in whole or in part. At any time before the first (1st) day of October thereafter any party liable may pay any such tax to the city clerk. On such first (1st) day of October, if any tax remains unpaid, the city clerk shall certify a copy of such resolution to the county auditor, showing what taxes thereby levied remain unpaid, and the county auditor shall put the same upon the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The city of Henderson is hereby declared to be the legal successor of the borough of Henderson, a municipal corporation heretofore existing under the special laws of this state. All the property of the said borough of Henderson shall hereafter belong to and be the property of the city of Henderson, and the rights of the creditors of such borough of Henderson shall not be prejudiced by anything contained herein, but the same are preserved to them, and they shall have the same rights and remedies against said city as they would have had against said borough of Henderson if this act had not been passed.

SEC. 2. All recognizances, obligations and all [other] instruments entered into or executed to the borough of Henderson before this act goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the said borough of Henderson, and all writs, prosecutions, actions and causes of actions, except as herein otherwise provided, shall continue and remain unaffected by this act going into operation.

SEC. 3. All ordinances in force in the borough of Henderson at the time this act goes into effect, and not inconsistent herewith, shall remain in full force and effect, until altered or repealed by the city council of the city of Henderson, and all rights, actions, prosecutions and all contracts of the borough of Henderson, shall continue the same as if this act had not been passed.

SEC. 4. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the city council, and shall be signed by the mayor, attested by the city clerk and published once in a newspaper published in said city, or in lieu of such publication, and in the discretion of the council, by posting them conspicuously in three (3) of the most public places in said city for ten (10) days, and shall be recorded in a book kept for that purpose. Proof of such publication by the affidavit of the printer or foreman in the office of such newspaper, or of such posting, by the certificate of the city clerk, shall be attached to and filed with such ordinance or by-laws, and noted on the record thereof, and shall be conclusive [evidence] of the facts stated.

SEC. 5. No part of the streets or highways of said city shall be in any road district established by the town board nor under the control of town officers, and the city so organized shall constitute one (1) road district and be exempt from township tax for road and bridge purposes.

SEC. 6. The said city of Henderson and the remaining portion of the town of Henderson, outside of said city, shall, for general election purposes, constitute, as heretofore, an election district of said Sibley county; and the officers of said township of Henderson shall conduct such election, and make returns thereof as prescribed by the general election laws of this state; and said township of Henderson may hold their general and township elections within the limits of said city of Henderson if said township shall desire to do so; and the poor of said township and city shall remain and be cared for, as heretofore, under the municipal corporation of the borough of Henderson and the said township of Henderson, and shall be under the care of the township officers, and moneys raised for their support shall be levied and assessed, as heretofore, upon the property in said township and city.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 8. No law of this state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 9. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 10. This act is hereby declared to be a public act, and may be read in evidence in all the courts within this state without proof.

SEC. 11. The public property of said city shall be exempt from seizure, or a sale on execution and from taxation.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 4.

[S. F. No. 458.]

## AN ACT TO INCORPORATE THE CITY OF JORDAN, IN THE COUNTY OF SCOTT AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

## CHAPTER I.

## CREATION OF CORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Scott, hereinafter described, shall be a city by the name of Jordan, and all the people now inhabiting and those who shall hereafter inhabit the said district shall be a municipal corporation by the name of the city of Jordan, and by that name may sue and be sued, plead and be impleaded in any court; make and use a seal and alter it at pleasure; take, hold and purchase, lease and convey all such real, personal and mixed estate as the purposes of the corporation may require, or the transactions or exigencies of its business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the powers possessed by municipal corporations at common law, and in addition thereto shall possess all powers hereinafter specifically granted, and all the authorities thereof shall have perpetual succession.

SEC. 2. The district of country constituting the city of Jordan shall be the following described lands, situated in township number one hundred and fourteen (114) north, of range twenty-three (23) west, in the county of Scott and state of Minnesota, to-wit: All of section number nineteen (19), the northeast quarter ( $\frac{1}{4}$ ) of section number thirty (30), the north half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section number twenty (20), and the southwest quarter ( $\frac{1}{4}$ ) of section eighteen (18).

SEC. 3. Said city shall comprise and is hereby divided into two (2) wards as follows: The first (1st) ward shall comprise all the territory within said limits lying east of the following described line, which shall constitute the eastern boundary line of the second (2d) ward, viz.: Commencing at a point on the main track of the Minneapolis & St. Louis Railroad, where it crosses the north line of the north half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of said section number nineteen (19); thence running south along said railroad track to the centre line of Fourth street, as designated on the plat of Jordan City on file in the office of the register of deeds in and for said county of Scott; thence west along the centre line of said Fourth street to the centre line of Varner street in said Jordan City, as designated on said plat; thence south along the centre line of said Varner street to the south bank of Sand creek; thence southerly along the centre line of the Jordan and Belle Plaine road to the north and south centre line of section number nineteen (19); thence south on the said line to the

centre of section number thirty (30); thence east on the east and west centre line of said section thirty (30) to the east line of said section.

The second (2d) ward shall comprise all of the territory within said limits lying west of said above mentioned line.

## CHAPTER II.

### OFFICERS AND ELECTIONS.

SECTION 1. The officers of said city shall be those mentioned in this chapter, and such additional officers as may be appointed from time to time by the city council and as herein otherwise provided for.

SEC. 2. The elective officers of the city shall be a mayor, a treasurer, two (2) justices of the peace (who shall be styled city justices), and members of the city council. The city council shall consist of three (3) aldermen from each ward, to be chosen by the qualified electors in their respective wards, and one alderman at large to be chosen by the qualified electors of the city. Each ward alderman shall be a qualified voter and a resident of the ward for which he shall be elected, and shall continue to reside in such ward during the time he shall continue to serve as such alderman. All other officers of the city shall be appointed by the city council, unless herein otherwise provided. The appointment of officers by the city council shall be determined by ballot, and it shall require a concurrence of a majority of all the members of the city council to appoint any such officer. The city council is authorized to appoint such officers in addition to those mentioned in this act as it may deem necessary for the proper management of the affairs of the city, and to prescribe their duties and fix their compensation.

SEC. 3. All persons entitled to vote for state or county officers, and who shall have resided for ten (10) days prior to said election in the voting precinct where they offer their vote, shall be qualified to vote at city elections.

SEC. 4. Elections for the elective officers provided for by this chapter shall be held biennially on the first Wednesday of April, and shall be held by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council, in such manner and at such time as it shall prescribe. The provisions of the general laws of this state governing elections shall apply to all elections held under this charter, except as otherwise provided herein, and all special provisions contained in this charter governing elections shall also apply to all elections within the city; but the returns for all city elections shall be made to the city clerk, and for all state and county elections to the county auditor of said county of Scott. Each ward established hereby shall constitute an election precinct, as well for state and county as for city elections, and the city council shall designate the place of holding elections in each election precinct at least twenty (20) days prior to such election, and the place so designated shall remain the place of holding elections until a new designation is made.

SEC. 5. The aldermen of the city, except the alderman at large, shall be the judges of elections of the precincts in which they respectively reside, unless disqualified or declining to serve. At least twenty (20) days before any election, the city council shall appoint such number of additional judges of election as may be necessary to constitute a full board for each election precinct, and such election board shall have power to appoint a suitable number of clerks of elections. No person shall serve as judge or clerk of election who is a candidate for office at such election.

SEC. 6. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges of election shall make returns thereof, stating therein the number of votes for each person for each and every office voted for at such election, and shall deliver or cause to be delivered such returns to the city clerk within one (1) day after any election, and the city council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The city clerk shall forthwith notify the officer or officers elected of his or their election by written notice served upon such officer or person, or left at his usual place of abode with some person of suitable age and discretion residing therein.

SEC. 7. Special elections to fill vacancies shall be ordered by the city council at the time such vacancy is declared, and shall be held within twenty (20) days thereafter, and reasonable notice thereof by posting notice in at least three (3) public places in each ward of said city at least ten (10) days prior thereto shall be given of such election. Such special elections shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in case of general elections, but it shall not be necessary to appoint judges or to make new registers of votes for such special elections, but the judges of election of the last general election in any precinct shall continue to be judges of election for such special election, and vacancies of judges may be filled as in case of general elections, and such judges shall have the right to take from the city clerk and use at such special elections the register of votes used at the last general election.

SEC. 8. Any officer removing from the city or the ward for which he was elected or appointed, or any officer who shall refuse or neglect, for ten (10) days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office; and any officer elected by the people or by the city council, having entered upon the discharge of the duties of his office, may resign the same with the consent of the city council. Such resignation shall be tendered to the mayor, and by him laid before the city council at its next session thereafter. Any officer appointed by the mayor may be suspended or removed by him or may resign the same with the consent of the mayor. Whenever any vacancy shall occur in the office of mayor, treasurer, member of the city council, city justice, or whenever there shall be a failure by the people to elect any such officer on the day designated, the city council shall have power and it shall be its duty to declare such office vacant by resolution entered upon its minutes, and thereupon an election to fill such vacancy shall be called and held as herein provided for.

SEC. 9. Any person holding office under this charter may be removed from such office by the city council, or as herein provided for.

Such removal, when made by the city council, shall be determined by ballot, and it shall require the concurrence of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected to effect such removal. But no officer elected by the people shall be removed except for cause, nor unless first furnished with a statement in writing of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense, by counsel or otherwise. The city council shall have power to fix a time and place for the trial of such an [any such] officer against whom charges may be preferred, of which at least ten (10) days' notice shall be given by the city clerk, in the manner prescribed for notices of election to office, and shall have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and if any such officer shall neglect to appear and answer the charges preferred against him, the city council may declare the office vacant.

SEC. 10. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, street commissioner, and such other officers as the city council shall designate and require so to do, shall severally, before they enter upon the duties of their respective offices, execute to the city of Jordan bonds in such amounts and upon such conditions as the city council may, by resolution, fix and prescribe; and the city council may, from time to time, require new bonds and remove from office any officer refusing or neglecting to give the same. The bonds of all city officers shall be approved by the city council and filed with the city clerk, except the bond of said clerk, which, when so approved, shall be filed with the treasurer.

SEC. 11. The city council, at its first regular meeting after the general election under this charter, or as soon thereafter as may be, and annually thereafter, shall appoint a clerk, who shall be styled city clerk, an attorney, who shall be styled city attorney, a street commissioner, an assessor, who shall be styled city assessor, and a physician, who shall be styled city physician, who shall each be appointed for one (1) year, and who shall each possess the same qualifications for office as are required in cases of elective officers.

SEC. 12. The mayor, treasurer, city justices and members of the city council shall each hold office for the term of two (2) years. The term of office of said elective officers shall commence on the second (2d) Wednesday in April following each general election under this charter, and shall terminate on the election and qualification of their successors, and the term of office of any person elected to fill any vacancy under this charter shall terminate on the second (2d) Wednesday in April following the next general election thereafter held under this charter or when the successor of the person so elected to fill any vacancy shall have qualified. The term of office of any officer appointed under this charter to fill any vacancy in the appointive officers of said city shall expire at the time of the meeting of the city council at which the term of the officer whose place was so filled by appointment would otherwise have expired.

## CHAPTER III.

## POWERS AND DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer and head of the police of the city. He shall take care that all laws of the state and all ordinances of the city are duly enforced and observed within the city. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approves thereof he shall sign the same, and such as he shall not approve and sign he shall return to the city council with his objections thereto, by depositing the same with the city clerk to be presented to the city council at its next meeting thereafter; and upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to be reconsidered, and the question shall be again put notwithstanding the objections by the mayor. And if, after such reconsideration, the city council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered in the record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sunday excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him. All contracts, appropriations, and all orders on the treasurer, shall be signed by the mayor.

SEC. 2. During the absence of the mayor from the city, or his inability from any reason to perform the duties of his office, the president of the council shall be styled and be acting mayor. During such absence or inability on the part of both the mayor and the president of the council, the vice president of the council shall be styled and be acting mayor. During such absence or inability on the part of the mayor, president and vice president of the council, any alderman whom the council may elect president *pro tempore* shall be styled and be the acting mayor.

SEC. 3. At the first meeting of the city council after each general election under this charter, the council shall proceed to elect by ballot from its number a president and vice president. The president shall preside at the meetings of the council; in case the president shall be absent from any meeting of the council, the vice president shall act as presiding officer and discharge the duties of said president. Whenever any official duties devolve upon the vice president and he is absent or for any reason unable to act, the council shall elect one of its number as president *pro tempore*, who shall perform such duties. The mayor, president and vice president of the city council shall have the right to administer oaths and affirmations.

SEC. 4. There shall be a clerk of said city, styled city clerk, who shall keep his office at the city hall, or such other place convenient thereto as the council may determine; he shall keep the corporate seal and all the papers, books and records of the city, and all the papers required by law to be filed in his office; he shall keep a true record of the proceedings of the city council at all meetings at which it shall be his duty to attend; he shall make a full and accurate record

of all the by-laws, rules, ordinances, and resolutions made or passed by the council, and shall draw all orders on the treasurer in pursuance of any order or resolution of the council; he shall keep regular books of account, in which he shall enter all the indebtedness and expenditures of the city, and which shall at all times show the precise financial condition of the city, the amount of all bonds, orders, certificates or other evidence of indebtedness of the city, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and shall show the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; he shall keep accounts with all receiving and disbursing officers of the city, charging them with all amounts received by them from the different sources of revenue and with all city property in their hands or under their control, and crediting them with all amounts disbursed and property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. He shall report to the council at the close of each fiscal year a detailed statement of the receipts and expenditures for the year, and also an estimate of the expenses of the city and of the revenue necessary to be raised for the ensuing fiscal year, and shall also report the financial condition of the city at such other times as the council may require. He shall countersign all contracts made on behalf of the city, or to which the city is a party, and all bonds, certificates or other evidences of indebtedness. He shall perform all other duties required by law of clerks of cities and towns within said city, but when services are required of him by law for which compensation is provided by law, such services shall not be regarded as services rendered for said city, and he may retain such compensation in addition to the salary which he may receive from said city. Said city clerk shall have power to take acknowledgments and administer oaths and affirmations. Copies of any paper filed in his office and transcripts of any record in his office, certified to by him under the corporate seal of said city, shall be evidence in all courts of said state to the same extent that the original paper or record might, if produced; and all books, accounts, lists and records of said city kept by him in his said office, as herein provided for, shall be *prima facie* evidence of all matters contained therein.

SEC. 5. There shall be an attorney for the city, styled city attorney, who shall perform all professional services incident to his office, and shall be the legal adviser of all officers of the city upon all matters connected with their respective offices under this charter. He shall attend to and prosecute or defend all suits, actions or proceedings, either civil or criminal, for and in behalf of said city, to which said city may be a party; *Provided*, that said city council may at any time procure such other and additional counsel to act with said city attorney as it may deem necessary and expedient.

SEC. 6. There shall be a city physician, who shall be a physician in general practice and in good standing in his profession and a graduate of some well recognized college of medicine. He shall furnish medical and surgical attendance and medicines to all such poor of the city as he may be requested to attend by proper authorities. It shall be his duty to make a general inspection of the city as to matters affecting the health of its citizens as often and when directed so to do



by the city council. He shall make all such reports to the state board of health as are required by law or by said board. He shall be *ex-officio* health officer and president and executive officer of the board of health of said city, and shall perform all duties required of him, as such, by law or any ordinance of said city.

SEC. 7. There shall be a board of health of said city, consisting of three members, including the city physician, each member of which shall have the authority of a police officer in enforcing any law of the state, regulations of the state board of health, ordinance of said city, or regulations of said board to prevent the spread of contagious or infectious diseases, and for the preservation of the public health. Said board of health shall possess all powers conferred upon local boards of health, and perform all duties required of such boards by the general laws of the state.

SEC. 8. There shall be a city street commissioner, who shall have supervision and take charge of all work done on any street or alley of the city, and the construction of all sidewalks, parks, bridges and improvements in or upon the streets or public grounds. He shall take care that all contracts for any such work or construction in behalf of the city are complied with, and may suspend any work under any such contracts that does not conform to his requirements until the city council shall direct the continuance of the same.

SEC. 9. The treasurer shall receive all moneys belonging to the city, including all taxes, license moneys and fines, and keep a detailed account thereof in books kept for such purpose. He shall exhibit to the council at the close of each fiscal year, and at such other times as the council may direct, a statement in detail of the resources and expenditures of the city and the state of the treasury; he shall also report to the council at such other times and in such manner as it may require. No disbursements of the funds of the city shall be made by the treasurer except upon orders drawn and countersigned by the city clerk, and signed by the mayor or acting mayor of the city.

SEC. 10. All officers of the city having charge of any city property, shall, at the close of each fiscal year, and oftener, if required by the council, make and return to the council, a complete and verified inventory of all such property in their hands or under their control respectively, and such report shall be kept on file by the city clerk for public inspection.

SEC. 11. If any person, having been an officer of the said city, shall not, within ten (10) days after notification or request, deliver to his successor in office all property, books, papers, and effects of every description belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to said city five hundred (500) dollars, and his successor in office may recover possession of such books, property, papers or effects in the manner prescribed by law.

SEC. 12. The city council shall have power at any time to require other and further duties, not inconsistent with this act, to be performed by any officer whose duties are herein prescribed.

SEC. 13. The mayor and aldermen shall each receive as compensation for their services as such officer, the sum of ten (10) dollars per annum, and in addition thereto the compensation prescribed by law for services rendered as judges of election and members of the board of equalization of taxes.

The city council shall have power, unless otherwise provided herein, to fix the salaries or compensation of all other officers elected or appointed under this charter. Such compensation shall be fixed by resolution in the month of April of each year, and shall not be increased during the year for which it is so fixed.

SEC. 14. No person elected or appointed to office under the provisions of this charter, while such officer, shall, either directly or indirectly, be a party to or interested or concerned in any contract or job in which said city is interested, or any work prosecuted by its authority, or any compensation to be received therefor, and any contract or transaction prohibited as aforesaid shall be void; and any city officer offending against the provisions of this section may be removed from office by the council, and in case any money or valuable consideration shall have been paid on any such contract or transaction, the amount so paid may be recovered by the city from the parties to such contract or transaction and such officer or officers interested therein, either jointly or severally.

## CHAPTER IV.

### THE CITY COUNCIL — ITS POWERS AND DUTIES.

SECTION. 1. The aldermen elected under the provisions of this act shall constitute the city council of the city of Jordan, and a majority thereof shall constitute a quorum for the transaction of business.

SEC. 2. The city council shall hold regular meetings at such time as it may determine. The mayor or acting mayor may call special meetings of the council whenever deemed necessary or expedient, by notice to each member, delivered personally or left at the usual place of abode of such member. At such special meetings no business shall be transacted other than that designated in the call.

SEC. 3. The city council shall be the judge of the election and qualification of its own members, and in cases of contest shall have power to send for persons and papers. It shall determine the rules of its own proceedings, and such rules, when adopted, shall not be changed or deviated from except as herein provided. It shall have power to compel the attendance of absent members. Continued absence from the regular meetings of the council by any member, for three (3) consecutive months, shall be good cause for removal from office, unless prior to such absence said council or the acting mayor of the city shall have granted such member leave therefor.

SEC. 4. The city council, in addition to all powers herein conferred and specifically mentioned, shall have full power and authority to make, enact, ordain, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, for the prevention of crime, and for the general welfare of the city and the inhabitants thereof, as it shall deem necessary or expedient.

The enacting clause of all ordinances shall be: "The city council of the city of Jordan do ordain." The city council shall have full power and authority to declare and impose penalties and punishments and enforce the same against any person or persons, corporations or associations, who may violate any provision of any ordinance or by-law ordained or passed by it, and all such ordinances and by-laws are

hereby declared to have the force of law, provided they be not repugnant to the laws of the United States or of this state.

SEC. 5. The city council shall have full power and authority, by ordinance, resolution or by-law:—

*First*—To license and regulate the exhibitions of common showmen and shows of kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances and all other entertainments, to witness which a charge is made, and also public halls, concert halls, public buildings and inclosures used for places of resort and amusement; also to license and regulate auctions and auctioneers, insurance agencies and offices, hawkers, peddlers, pawnbrokers, dealers in second-hand goods, junk dealers, slaughter houses, butcher shops, butcher stalls and venders of butchers' meat, keepers of intelligence or employment offices, tavern keepers, victualing house keepers, billiard, pool, pigeon hole and other like tables, nine and ten pin alleys, bowling saloons, shooting galleries; also to license and regulate canvassing for orders for goods, and selling or contracting for the sale by sample, where such articles are thereafter to be sent or delivered to the purchaser.

*Second*—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gambling in said city, and to prohibit the keeping of and to authorize the seizure and destruction of all instruments and devices used for the purposes of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers and inmates thereof and persons found therein.

*Fourth*—To compel the owner, occupant or keeper of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, drain or other unwholesome or nauseous house, structure or place, to cleanse, remove, or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, and may regulate and prohibit the erection, operation or maintenance of any of the same in such parts of said city as it may deem necessary for the health and comfort of the inhabitants of the city.

*Fifth*—To regulate and prohibit the slaughtering of animals within said city; to regulate, control and prohibit the location and management of hog pens, poultry yards, stockyards, slaughter houses, market booths, stalls, breweries, distilleries and pawnbrokers' shops, and to establish rules for and license venders of gunpowder, and regulate and control the storage, keeping and conveying of gunpowder, gun cotton, dynamite and other explosive materials, and to regulate the use thereof for blasting and other purposes within said city, and to regulate and control the storage, keeping, dealing in and conveying of petroleum, gasoline, kerosene and other explosive and inflammable oils or substances within said city, and to compel the removal of all tanks or structures used for the storage of any such oils to any place or places in said city by it deemed least dangerous, injurious or inconvenient to the inhabitants of said city.

*Sixth*—To regulate or prevent the incumbering of streets, sidewalks, alleys, lanes or public grounds with animals, carriages, carts, wagons, sleighs, or any vehicle, boxes, lumber, cordwood, poles, awnings, signs, porches, wires, ropes, building materials, buildings, machinery, goods or merchandise for display, or any other substance or thing whatever, and the obstruction of the same in any manner whatever.

*Seventh*—To regulate the movement and speed of railway locomotives and cars within said city, and to require the construction and maintenance of gates at crossings of railway tracks over such streets as the council may designate; to prohibit, regulate and punish for the obstructions of streets with cars or locomotives; to regulate and prohibit the whistling of locomotive engines and the unnecessary escape of steam therefrom.

*Eighth*—To prevent and punish horseracing, immoderate driving or riding in the streets; to compel persons to fasten their horses or animals in the streets; to prevent neglect and exposure of horses and animals while fastened in the streets; to compel the use of sleighbells during the sleighing season, and to regulate places of bathing and swimming in the waters within the city limits.

*Ninth*—To restrain the running at large of horses, mules, cattle, swine, sheep or other animals, poultry or geese, and to authorize the distraining and sale of the same, and to impose penalties and punishment on the owners and keepers thereof for violation of the ordinances relating thereto; *Provided*, that when sale of such animals, poultry or geese shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling the same, shall be deposited with the city treasurer for the use and benefit of the owner of the property so sold, if called for within one (1) year from the date of sale; otherwise the same shall be paid into and become part of the funds of the city.

*Tenth*—To prevent any person from bringing into the city, placing, burying or having within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unwholesome meat, flesh or fish, hides or skins of any kind, and to authorize the removal of the same at the expense of such person or persons.

*Eleventh*—To make and establish pounds, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, alleys and public grounds of the city, and to provide for and control the erection of water works in said city for the supply of water for said city and its inhabitants, and to grant the right to one or more private companies or corporations to erect and maintain water works for such purpose, and to authorize and empower such companies or corporations to lay water pipes and mains into, through and under the streets, alleys and public grounds of said city, and to control the erection and operation of such water works and the laying of such pipes and mains in accordance with such terms and conditions as may be agreed upon between said city and such companies or corporations; to provide for and control the erection and operation of gas works, electric lights or other works or materials for lighting the streets, alleys, public grounds and buildings of said city and supplying light and power to said city and its in-

habitants, and to grant the right to erect, maintain and operate such works, with all rights incident or pertaining thereto, to one or more private companies or corporations, and to control the construction and operation of such works and the laying of pipes, mains and wires into, through and under the streets, alleys and public grounds of said city, and the erection of poles and mainstays and the stringing of wires thereon, over, in, upon and across the streets, alleys and public grounds; and when necessary for the carrying out the purposes of said companies and corporations in erecting and operating any of the works or enterprises herein mentioned it becomes necessary to appropriate private property in said city to the use of said companies or corporations in the manner provided in this charter for the appropriation of private property for public use.

*Twelfth*—To establish a board of health; to provide for hospitals and hospital grounds; to provide for the registration of births and deaths and the returns of bills of mortality; to regulate and prevent, if deemed expedient, the burial of the dead within the city limits, and to provide for and require the removal of any mortal remains now interred within such limits.

*Thirteenth*—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked for sale contrary thereto; to regulate the inspection of flour, pork, beef, salt, fish, whiskies, liquors, malt liquors and other beverages, and to appoint inspectors, measurers, weighers and gaugers and to prescribe and regulate their duties and compensation.

*Fourteenth*—To punish and prevent all persons riding or driving any horse, mule, ox or other animal on any sidewalk in said city, or in any way doing damage or injury to any sidewalk, gutter, sewer, street surface, pipes, mains, posts, wires, trees, grass plats, flowers, ornamental, shade or other trees or shrubbery in any street, alley or public ground in said city.

*Fifteenth*—To punish and prevent the discharge of firearms, fireworks or crackers in said city, and to prevent the exhibition of any fireworks in any situation which may be considered dangerous to the city or any property therein, or annoying to the inhabitants thereof.

*Sixteenth*—To license, regulate and restrain runners, agents or solicitors for public houses or other establishments.

*Seventeenth*—To punish and prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, public houses and places in said city.

*Eighteenth*—To establish public markets and other public buildings, and to make rules and regulations for the government of the same, and to punish for and prevent from interrupting or interfering with the due observance of such rules and regulations or disobedience thereto, and to appoint suitable officers for overseeing and regulating such markets and stands.

*Nineteenth*—To regulate the place and manner of weighing hay and straw, and the weighing, measuring and selling of firewood, coal and other fuel, and to appoint suitable persons to superintend and conduct the same.

*Twentieth*—To license and regulate butcher shops and stands for the sale of game, butchers' meats, butter, fish and other provisions.

*Twenty-first*—To compel the owner or occupant of buildings or grounds to remove snow, and all ashes, dirt or rubbish from the side-

walks, streets or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health may direct, and, in the default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

*Twenty-second*—To prevent, control and regulate the landing of persons from boats, vessels, cars, or other conveyances wherein is any infectious or contagious disease or disorder, and to make such disposition of such persons as to preserve the health of the city; and also to prevent, control and regulate the landing or coming into the city of paupers or persons in destitute condition, not having a regular settlement or residence therein, and to require that such persons be taken back to the place from which they may have been brought or where they reside, by the persons or corporations bringing them into the city, and to punish any such person or corporation so bringing or attempting to bring such pauper or destitute person into the city.

*Twenty-third*—To regulate the time, manner and place of holding public auctions or vendues.

*Twenty-fourth*—To provide for watchmen and prescribe their number and duties, and to regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties and to regulate the same, except as hereinafter otherwise provided.

*Twenty-fifth*—To provide for a standard of weights and measures, for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer, and to prohibit the use of false weights and measures.

*Twenty-sixth*—To direct and regulate or prohibit the planting or preservation of ornamental trees in the streets, alleys, public grounds or highways of the city or any portion thereof.

*Twenty-seventh*—To remove and abate any nuisance or encroachment upon the streets, alleys or public grounds of the city.

*Twenty-eighth*—To do all acts and to make all regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease, and to make regulations to prevent the introduction of infectious or contagious diseases into the city, and to make necessary quarantine laws and to enforce them within the city.

*Twenty-ninth*—To remove, abate and prohibit any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

*Thirtieth*—To punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Thirty-first*—To provide for and regulate the erection of hitching posts and rings for fastening horses and other animals, or to prohibit them in any part of the city at its discretion.

*Thirty-second*—To provide for and regulate the numbering of houses and lots, and to compel the owner or occupants of houses or buildings to have the number of such houses or buildings designated thereon.

*Thirty-third*—To regulate or to prohibit the propelling by steam of motors, traction engines and other vehicles over or upon the streets of said city.

*Thirty-fourth*—To regulate and control the quality and measurements of gas. To prescribe and enforce rules and regulations for the manufacture and sale of gas, the location, construction of gas works, and

the laying, maintaining and repairing of gas pipes, mains and fixtures; to provide for the inspection of gas meters, and to appoint an inspector if deemed expedient, and to prescribe his duties.

*Thirty-fifth*—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric or other wires, along or across the streets of said city, and to require any and all wires to be placed in such manner as it may designate beneath the surface of the street or sidewalk.

*Thirty-sixth*—To designate where lumber, shingles, laths and other building material shall be piled or stored, and to require any person handling, dealing in or owning any such to remove the same when it may endanger any building or property near the same by exposing such building or property to risks by fire, and also to regulate and designate where the following kinds of business or amusement may be, or may not be, hereafter located or carried on, to-wit: Windmills, woodyards, foundries, dye houses, boiler shops, wood working shops, tanneries, factories, soap factories, storehouses for oil, gunpowder, dynamite, petroleum, or other dangerous or explosive oils or substances, storehouses for hides, stables, roller rinks and base ball grounds.

*Thirty-seventh*—To remove, or require to be removed, any building which by reason of dilapidation or defects in structure, or other cause, may have or shall become dangerous to life or property, and to provide for the punishment of all persons who shall maintain such nuisances. The expense incurred in making such removal shall be a lien upon the lot or parcel of land on which such building was situated, and may be assessed and collected in the same manner as other special assessments, or any tax, or may be enforced by civil action in any courts having jurisdiction.

*Thirty-eighth*—To require the owner or occupant of any building or structure in said city to place therein such fire escapes and such appliance for protection against and for extinguishment of fires as it may direct, and also to require such owner or occupant to construct, provide and furnish any building with means of egress in such manner as it may deem necessary and expedient to lessen the danger to human life in case of fire or accident.

*Thirty-ninth*—To require the owners of buildings or other structures which have been destroyed by fire to take such steps as it may deem necessary or expedient to prevent accidents to persons or property from falling walls or other substances, or any other cause, and in case of the refusal or neglect of said owner to adopt any such means as may be so directed or prescribed, then to cause the same to be done at the expense of such owner, and to collect the cost thereof by special assessment on the land on which such structure stood, or to recover the same in a civil action in any court having jurisdiction.

*Fortieth*—To license and regulate hackmen, draymen, expressmen, and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor and all police officers to regulate and direct the location of vehicles at such railroad depot or station.

*Forty-first*—To require and provide for the removal, in such manner and in such streets as it may determine, of any swill, offal, garbage,

ashes, barnyard litter, manure, yard cleanings or other foul or unhealthy stuff, and to assess the expense of such removal upon the property from which such above named matter or things shall be taken, and to direct, locate, regulate and prohibit the constructions of privies, and prescribe the limits within which no privies shall be constructed unless connected with public sewers.

*Forty-second*—To compel railroad companies to grade the crossings of streets across all railway tracks in the city the full length of their right of way or of their tracks in or upon said streets, and to keep the same in repair, and to build and maintain suitable sidewalks across the right of way or tracks in said streets for the accommodation of foot passengers, and to build and maintain culverts, drains and sewers across the full width of the right of way or under the tracks in the streets, alleys and highways in the city, when and where the same shall be deemed necessary by the city council, and to regulate and prohibit any railway company, its servants or employes from obstructing the streets or crossings in said city.

*Forty-third*—To regulate the construction and building of chimneys and smokestacks within the limits of the city, also the emission of dense smoke; to prohibit the erection or maintenance of any insecure or unsafe building, cracked wall or chimney, and to declare the same, or any part thereof, a nuisance, and to provide for its summary abatement.

*Forty-fourth*—To define and declare what shall constitute a nuisance, and to prohibit all persons from committing or continuing such nuisance or suffering the same to exist, and to provide for the removal and abatement of any nuisance, and for the assessment and collection of the expense thereof against the property upon or from which the same is abated or removed.

*Forty-fifth*—To regulate the penning, herding and pasturing of animals within said city.

*Forty-sixth*—To license and regulate all persons vending, dealing in, giving away or disposing of spirituous, vinous, fermented, mixed, malt or other intoxicating liquors within the limits of said city, and to designate the places where and the conditions upon which any such liquors may be sold, and to prohibit the sale of such liquors in all or any part of said city, and to restrain and prohibit any person from selling, giving away, disposing of or dealing in any kind of intoxicating liquors in said city, unless so duly licensed by said city council, and to prescribe and impose punishment therefor, and in any prosecution under this chapter or under any ordinance of said city for selling, giving away, disposing of or dealing in any kind of intoxicating liquor in said city, without being duly licensed, the finding of intoxicating liquors on the premises in question shall be *prima facie* evidence of their sale on said premises, and establishing the fact of one's having drank what appears to be intoxicating liquor on any premises shall be *prima facie* evidence that such liquor was intoxicating, and the term "intoxicating" wherever it occurs herein shall be understood to mean spirituous, fermented, vinous, mixed or malt liquors.

*Provided*, that no license for dealing in such liquors shall be issued for less than the minimum sum fixed by the general laws of the state, and the city council may fix the time, not exceeding one year from the date of issuance, when any and all licenses issued by it or under its authority shall expire.



*Forty-seventh*—To prohibit the running at large of dogs, and may license and regulate the keeping of the same, and may impose a tax thereon, and to authorize the destruction of dogs when at large contrary to the ordinances.

SEC. 6. The city council may impose punishment for the violation of any ordinance of the city, or of any portion thereof, to the extent of a fine not exceeding one hundred (100) dollars, or imprisonment in the city prison or common jail of Scott county, not exceeding ninety (90) days, and offenders against such ordinances may be required to give security to keep the peace and for good behavior for a period not exceeding six (6) months and in a sum not exceeding five hundred (500) dollars.

SEC. 7. The city council may also provide by ordinance that any one convicted of an offense before a city justice, subjecting such offender to punishment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, and in case of male offenders, may be kept at hard labor during his term of imprisonment in such workhouse, or upon the streets, highways or public works or improvements of said city, or any or all of them; and may also provide by ordinance that anyone convicted of an offense before a city justice, and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city as aforesaid, or in case of male offenders, may be kept at hard labor either in such workhouse or upon public streets, public works or improvements, or both, until such person shall work out such fine at such rate of compensation as the council may prescribe for a time not exceeding the time for which he is committed; and the city council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons; *Provided*, that unless otherwise ordered by the city council, the county jail of the county of Scott shall be used as a city prison or workhouse of the said city; and it shall be the duty of the sheriff or jailer of said county to take into custody and safely keep in jail all persons committed thereto, unless discharged according to law; and when the said jail is so used, the prisoners of the city shall be in custody of the sheriff of said Scott county, except while working on the streets, public works or improvements of the city as aforesaid, during which time they shall be under the control of the police force of said city; *Provided, further*, that the police of said city are authorized to take any prisoner from said jail who has been sentenced to work upon the streets, public works or improvements of said city, for the purpose of carrying such sentence into effect.

SEC. 8. The city council shall have power to establish and maintain the city prisons and workhouses for the imprisonment, custody and safe keeping of all prisoners retained or charged with any offense whatever, in any way cognizable before a city justice; to make all proper rules and regulations for the government and management of such prisons and workhouses; to appoint keepers and officers for the same; to prescribe the duties and fix the compensation of the keepers of said prisons and workhouses, and said keepers shall have all the authority of a jailer at common law or the laws of the state.

SEC. 9. Ordinances and by-laws shall be passed by an affirmative vote of a majority of all the members of the city council by ayes and nays, which shall be entered in the record; and every ordi-

nance shall be approved by the mayor and published in the paper designated by the city council, before it shall take effect. No ordinance shall be passed at the same meeting of the council at which it shall have been presented, except by the unanimous consent of all members present, which shall be noted in the records; but this shall not preclude the passage at the meeting at which they are introduced of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 10. All ordinances, after the same are approved, shall be recorded by the city clerk in a book provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith; the record of such ordinance and affidavit of such publication, or any copy of any such ordinance published in any compilation of ordinances made under the direction of the city council, shall be *prima facie* evidence of such ordinance, and the regularity of all proceedings relating to the adoption and approval thereof, and of the due publication thereof, shall be admitted as evidence in any court of this state without further proof.

SEC. 11. The city council may at any time create and define the powers and duties of such standing committees, composed of its own members, as it may deem proper, and it may at any time delegate to any such committee such powers and authority as it may deem proper, and may revoke any such power and authority and abolish any such committee at its pleasure. It may from time to time appoint special committees from its own members and prescribe their powers and duties. All acts performed by any committee within the scope of the authority conferred upon it by the council shall be as binding and of the same validity as if performed by the council itself.

SEC. 12. All courts of this state shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinance in any court.

SEC. 13. No appropriation of the funds of said city shall be made without the vote of the majority of all the members of the council in its favor, which vote shall be taken by ayes and nays and be entered upon the record among the proceedings of the council.

SEC. 14. The city council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, city justices and all other officers, and the accounts of the city, at such times as it may deem proper; and also at the end of each year, and before the term for which the respective officers were elected or appointed, shall have expired; and the council shall require every and any officer to give an account of his books and accounts and vouchers for such examination and settlement. And if any such officer shall refuse to comply with the orders of said council in the discharge of his duties in pursuance of this section, and shall neglect or refuse to return his accounts, or present his books or vouchers to said council, or any proper committee thereof, it shall be the duty of the council to declare the office of such person vacant; and the council shall order suits and proceedings at law to be commenced and prosecuted against any officer of said city who may be found delinquent or defaulting in his accounts or his official duties, and shall make a full record of all settlements and adjustments, and neglect of duty by any officer shall be sufficient cause for his removal from office by the council.

SEC. 15. The city council shall have the management and control of all finances and all property of the city; and may purchase any property deemed proper and necessary for the interest and convenience of the city and may sell any property of the city when deemed for the interest of the city or its inhabitants. All the legislative power granted by the charter shall be vested exclusively in the council of the city except as otherwise provided.

SEC. 16. The city council shall have power to acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all purposes connected with any department thereof, and for all streets, alleys, driveways, boulevards, public squares and parks in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works, structures or improvements in the manner hereinafter in this charter provided.

SEC. 17. Any license issued by authority of the city council may be revoked at any time by the mayor or council, and upon conviction before any court of any person holding such license, for a violation of the provisions of any ordinance relating to the existence of any right granted by such license, the said court may revoke such license, in addition to the penalty provided by law or by ordinance for any such violation, and the second conviction of any such violation shall operate to revoke such license without any further act or ceremony.

## CHAPTER V.

### FINANCES AND TAXATION.

SECTION 1. There shall be an assessor for the city, styled city assessor, who may, in the discretion of the council, be authorized, at his own expense, to appoint one or more deputies, subject to the approval of the council, and such deputies may be discharged at the pleasure of the assessor. The city assessor and his deputy or deputies shall qualify in the same manner, and as to all territory within the limits of the city shall perform all the duties now or hereafter required of assessors, by the general laws of the state, and shall have all the authority, rights and powers now or hereafter conferred upon assessors by such laws, and any act performed by a deputy shall be as valid as if performed by the assessor. Every deputy shall be under the control and direction of the assessor, and shall perform such duties as may be assigned him by the assessor.

SEC. 2. In all respects not herein expressly provided for, the city assessor and his deputies shall, in making assessments, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the state for the government of assessors.

The assessments shall be completed as soon as may be after the first (1st) day of May, and shall be returned to the city clerk, to be by him laid before the council on or before the first (1st) Monday in July of each year.

**SEC. 3.** The city council shall constitute a city board of equalization, and shall be sworn according to law as such board and meet in the council room in said city on the first (1st) Monday of July of every year, for the purpose of reviewing the assessment, and shall alter, revise, amend and equalize said assessment as it deems just and proper. A majority of such board shall constitute a quorum to transact business.

It shall be the duty of the city assessor to be present at all meetings of said board of equalization for the purpose of presenting to said board all facts relating to the assessments.

Such board of equalization is vested with and shall perform all the powers and duties which are or may be vested in or imposed upon either town or county boards of equalization under the general laws of the state, so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal property as returned by the assessor, and may raise the valuation of any real estate without notice to the owner.

**SEC. 4.** Said board of equalization may sit from day to day or adjourn from time to time as it may deem proper, until it shall have completed the equalization of said assessment. It shall complete such equalization on or before the third (3d) Monday of July of each year, and shall have power to employ such clerk or clerks as may be necessary to complete the same within said time, and said assessments when so equalized shall be subject to review only by the state board of equalization. Every person aggrieved by an assessment shall have the right to appear before such board and present his grievance for its consideration. It shall be the duty of the city attorney to attend the hearing of such grievances before said board, and whenever it appears that any property is listed or assessed at less than its true value to call the attention of said board to such undervaluation, and to make application in behalf of the city for the correction of the same.

**SEC. 5.** When the assessment roll shall have been revised by the board of equalization and the proper corrections made therein, and on or before the third (3d) Monday of July, the same shall be returned to the county auditor of Scott county. After such equalization, the city clerk shall attach to each assessment roll a certificate which may be substantially in the following form:

"I hereby certify that the assessments in the assessment roll to which this certificate is attached have been equalized by the board of equalization of the city of Jordan, and appear therein as so equalized by such board." And such equalization shall require no further authentication.

**SEC. 6.** The city council may determine the time of the commencement of the fiscal year of said city, and, until otherwise determined, such fiscal year shall commence on the second (2d) Tuesday of April of each year.

**SEC. 7.** All revenues of the city shall be divided into the following funds, and a separate and distinct account shall be kept of each:

*First*—A revenue fund, in which all revenues of the city shall be placed except such as are directed to be placed in some other fund.

*Second*—A poor fund, in which shall be placed all taxes levied and revenues received for the support of the poor of the city.

*Third*—A fire department and water works fund, in which shall be placed all taxes levied and revenues received for the maintenance of the fire department and for furnishing the city with a water supply.

*Fourth*—An interest fund, in which shall be placed all taxes levied and revenues received for the payment of interest on the bonds and indebtedness of the city.

*Fifth*—A sinking fund, in which shall be placed all taxes levied and revenues received for that purpose.

*Sixth*—A permanent improvement fund, in which shall be placed all taxes levied and revenues raised for that purpose, and all sums raised for improvements by special assessments upon the property benefited.

SEC. 8. The revenue fund may be used for any lawful city purpose, and money may be transferred therefrom to other funds by the city council.

SEC. 9. The city council shall have power to and shall annually levy taxes on all taxable property in the city liable therefor, and to defray the current expenses of the city for the next fiscal year; for the support of the poor of the city; for the opening, maintaining and improving of streets, highways and public grounds and the building of bridges and culverts; for the construction of buildings and improvements of a general character, and for the payment of the interest upon and the indebtedness of the city.

SEC. 10. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the purposes for which the same is levied. Such resolution may be substantially in the following form:

*Resolved*, That for the fiscal year commencing April. ....the following sums be and hereby are levied upon the taxable property of the city of Jordan, to-wit:

For the revenue fund, the sum of.....dollars.

For the poor fund, the sum of.....dollars.

For the fire department and water works fund, the sum of.....dollars.

For the interest fund, the sum of.....dollars.

For the permanent improvement fund, the sum of.....dollars.

For the sinking fund the sum of.....dollars.

Passed this.....day of.....

Ayes, aldermen.....

Nays, aldermen.....

.....  
*President of the City Council.*

Attest.....

*City Clerk.*

Approved.....

*Mayor.*

SEC. 11. The city council shall cause to be transmitted to the county auditor of Scott county on or before the tenth (10th) day of October in each year, a statement of all taxes by it levied, except as otherwise provided in this charter, and such taxes, as well as all assessments for local improvements, statements of which shall be therewith transmitted to said auditor, shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county

treasurer of said county shall pay over all city taxes by him collected, together with all penalties and interest which shall be collected on account of the same, to the city treasurer at the times provided by law for payment over of town taxes.

SEC. 12. No money shall be paid out of the city treasury unless such payment shall be authorized by a vote of the city council and upon orders signed by the mayor and countersigned by the city clerk. Each order shall specify the purpose for which it is drawn, the fund out of which it is payable, and the name of the person in whose favor it may be drawn, and shall be made payable to the order of such person.

SEC. 13. When any order on the treasurer shall have been paid it shall not again be issued, but shall be immediately canceled and filed away in his office. The council may provide for the examination from time to time of all canceled orders and for their destruction, preserving such records thereof as it may deem proper.

SEC. 14. No limitation or restriction contained in this charter shall be construed to prohibit the levying of taxes to pay any judgment recovered against said city, but in case any such judgment be recovered the council shall at the time of making the next annual tax levy, after the rendition of such judgment, levy and assess a special tax upon all taxable property in the city sufficient to pay such judgment. Such judgment shall be paid by the city treasurer upon presentation to him of a certified copy of the docket entry thereof, if he has in his hands sufficient funds not otherwise appropriated, and in case there are not sufficient funds unappropriated to fully pay the same, he shall pay thereon such amount as may be in his hands so unappropriated.

SEC. 15. The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of its members, issue the bonds of said city, bearing interest not exceeding eight (8) per cent per annum, and for a time not exceeding one (1) year, in such amounts and under such regulations as the council may prescribe, in anticipation of the taxes and revenues of such fiscal year. *Provided*, that the amount of such bonds at any one time outstanding shall not exceed one-half ( $\frac{1}{2}$ ) of such taxes and revenues; *And provided*, that such bonds, or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they were issued.

SEC. 16. It shall be lawful for the city council to levy each year a corporation poll tax upon every qualified voter of said city not over fifty (50) years of age, and provide by ordinance for the payment and collection of the same; *Provided*, that said tax shall not in any one year exceed the sum of two (2) dollars on each person so assessed and liable therefor.

## CHAPTER VI.

### STREETS, SIDEWALKS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. *City Council to Have Control.*—The city council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city; and shall cause all streets that may have been opened and graded to be kept open and in repair and free from nuisances, and

shall have power to build and keep in repair bridges, lay out and open, alter and vacate public squares, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten the same, subject to the assessment of damages provided for in this act.

SEC. 2. *Establishment and Change of Street Grades.*—The city council shall have power and may cause to be established from time to time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor, or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds within said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk in a book or books of profiles kept for that purpose, and whenever such grade aforesaid has once been established it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council elect.

SEC. 3. *Sidewalks—How Built and Maintained.*—It is hereby made the duty of all owners adjoining any highway, street, lane or alley in said city to construct, reconstruct and maintain in good order and repair such sidewalks along the side of the street, lane, alley or highway next to and adjoining the land of such owners respectively as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council, to be built in such manner and of such material and width, and upon such place and grade as the city council may by ordinance, or otherwise, prescribe.

SEC. 4. *Limitation of Actions.*—No action shall be maintained against the city of Jordan on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare unless such action shall be commenced within one (1) year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city clerk thereof, within ninety (90) days after the occurrence of such injury or damage, stating the place where, and time when, such injury was received, and the person so injured will claim damage of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect in any street until the same shall have been graded and open for travel, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built.

SEC. 5. *Railroad Company not to Obstruct Streets.*—No railroad company, or street railway company, shall have any right in clearing their tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions the city shall have the right to recover the same from the company by whom the obstruction was caused.

SEC. 6. *No Liability for Insufficiency of Streets—When.*—The acceptance of plats or additions of any grounds, or subdivisions thereof, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets until the city council shall direct the same to be graded and open for travel.

**SEC. 7. Vacating Streets—Exclusive Power of Council.**—The city council of said city shall have the sole and exclusive power to vacate and discontinue public grounds, streets, alleys and highways within the city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one or more residents and freeholders in said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by plat of such public grounds, streets, alleys or highways proposed to be vacated, and it shall be verified by the oath of the petitioners. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice by publication in the paper designated by the city council for four (4) weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The city council, thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said order, before the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such order, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of the county of Scott.

**SEC. 8.** The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of all its members, lay out, establish and open any new street, alley or public ground, or straighten, widen or extend any street or alley that now exists or may be hereafter laid out and established, upon the petition of five (5) or more residents and freeholders of said city. Such petition shall set forth the facts and reasons upon which the action of the city council may be invoked, and shall accurately describe the alteration prayed for, or the new street, alley or ground proposed to be laid out or extended, and if for a new street, alley or ground, shall contain the names of the owners of all lands which shall be affected thereby. Such petition shall be accompanied by a plat of such proposed street, alley or ground, or alteration of an existing street or alley, which plat shall be filed with the city clerk of [for] the inspections of any and all persons interested in or affected by the proposed action of the city council. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice by publication in the paper designated by the city council for four (4) consecutive weeks, which notice shall contain a statement that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered, together with any and all objections thereto, by the city council on a certain day and place therein to be specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by it for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested. The city council may there-



upon, after hearing the same, or upon the report of such committee, make such order upon such petition as it may deem expedient, and if two-thirds (2/3) of all the members of the city council vote in favor of granting such petition, such order shall declare such street, alley or public ground laid out and established, or extended or altered as the case may be; otherwise such order shall declare such petition rejected. The order so made by said city council shall be entered at length in the records kept by the city clerk, and a certified copy thereof shall be filed for record in the office of the register of deeds in and for said county of Scott, and shall be published once in the paper so designated.

SEC. 9. The damages sustained by reason of laying out, widening, altering or vacating any street, alley or public ground may be ascertained by the agreement of the owners of the lands affected and the city council, and unless such agreement is made, or the owners shall in writing release all claims to damages, such damages shall be assessed in the manner hereinafter prescribed, before the order made by the city council, as hereinbefore provided for, shall take effect. In case the city council and the owners claiming damages cannot agree, or in case the owner of any land affected is unknown, the city council shall assess and award damages, and in its assessments and award of damages the city council shall specify the amount of damages assessed and awarded to each owner, giving a brief description of each parcel of land for injury to which damages are awarded. The city council shall assess the damages at what it deems just and proper to each individual claimant with whom it cannot agree, and deposit a statement of its assessment and award with the city clerk, who shall note thereon the time of filing the same. The city council, in all cases of assessing damages, shall estimate the advantages and benefits which may be conferred on any claimants as well as the disadvantages, and award damages accordingly.

SEC. 10. Any person feeling aggrieved by any order or award of damages made by the city council pursuant to the provisions of the three preceding sections or any of such provisions, may, within twenty (20) days after the publication of any such order, or the filing of any such award, appeal therefrom to the district court of said county of Scott, by serving upon the mayor of said city, either personally or by a copy left at his office or usual place of abode, a notice in writing specifying what portion of the order or action of the city council is appealed from, and the object of such appeal, and if from an award of damages, and the amount of damages claimed by such appellant and the grounds on which such appeal is taken. Such notice, with proof of service thereof, shall be filed with the clerk of said court, and such appeal may be brought on for trial by either said appellant or the city council, and shall be tried and determined as appeals from the actions of town supervisors and county commissioners respecting the location of public highways are tried and determined. If upon such trial the determination of the city council shall be affirmed the appellant shall pay all costs, otherwise such costs shall be a charge against and be paid by the city, and upon the determination of such appeal, said city council shall act in accordance with such determination and proceed to carry out the same as if it had originally so determined.

## CHAPTER VII.

## LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The municipal corporation of the city of Jordan is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon such other property to be benefited by such improvements as it may designate, without regard to a cash valuation.

SEC. 2. Such assessments may be made by the city of Jordan for filling, grading, leveling, sprinkling, curbing, walling, planking, constructing bridges upon or otherwise improving any street, lane, alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane, alley, highway or public grounds and for planting shade trees upon or otherwise ornamenting the same, and for procuring grounds for any public building; also, for filling, grading, protecting, ornamenting or otherwise improving any public square, park or ground now or hereafter laid out; also, for constructing, laying, erecting and repairing crosswalks and sidewalks, gutters, sewers, private drains, and the abatement of any and all public nuisances within said city.

SEC. 3. The city council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the costs of such repairs, together with a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed with and preserved by the city clerk. The city council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots or parcels of land fronting or abutting upon sidewalks which have been repaired by the street commissioner the cost of making such repairs, and the same shall be returned, collected and enforced in the same manner as city taxes.

SEC. 5. The city council may, at any time, for the purpose of anticipating the levy and collection of such assessments and of meeting the demands against the city for such improvements, by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the city council, issue the bonds of said city in such form and amounts and under such regulations as it may prescribe, for a time not exceeding two (2) years, and bearing interest not exceeding eight (8) per cent per annum, or the city council may issue orders drawn upon the city treasury therefor, bearing interest not exceeding eight (8) per cent per annum, and the proceeds of such bonds or orders shall be applied to the purposes aforesaid, and the collections from such assessments, in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same.

SEC. 6. The city council may by ordinance prescribe the manner of exercising the powers conferred by sections one (1) and two (2) of

this chapter (except as herein otherwise provided) and the manner of condemning and acquiring any private property for public parks or grounds, or the erection thereon of public buildings.

## CHAPTER VIII.

### FIRE DEPARTMENT.

**SECTION 1. *Power to Establish Fire Limits.***—The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings, the material and construction of which shall be regarded as not fireproof, or as dangerous to surrounding property, shall not hereafter be erected, enlarged, placed or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such a manner and of such materials as in the judgment of the city council shall not be dangerous to surrounding property, and to prohibit the repairing or enlarging or rebuilding of wooden buildings within the fire limits without its consent, when the same shall have been damaged by fire, or otherwise, to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. Any building hereafter erected, enlarged, replaced or repaired in violation of the provisions of any ordinance passed pursuant to this act, is hereby declared and shall be deemed a public or common nuisance, and the city council, in addition to other penalties, may provide for the abatement of such nuisance. The jurisdiction of the district court of Scott county is hereby extended to enjoin and prohibit any threatened or attempted violation of any ordinance passed pursuant to this section, and it shall be deemed adequate ground for the granting of such remedy that any person is about to violate any provision of such ordinance, notwithstanding that a penalty be provided in such ordinance for any such violation thereof.

**SEC. 2. *Powers of Council to Prevent Fires.***—The city council shall have the power by resolution to order any building, structure or materials therefor hereafter erected, or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have the power to prescribe the notice to be given to the owner, occupant or agent to remove such building and materials, and in case the same is not removed in pursuance of the notice given, to order the same taken down or removed by the police in such manner as the council may see fit. And the city council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by a city justice upon the complaint of any citizen.

**SEC. 3. *Further Powers to Prevent Fires.***—The city council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the

throwing of ashes into streets and alleys; to require the inhabitants to provide as many fire buckets and in such a manner and time as they shall prescribe and to regulate the use of them in times of fires; to regulate and prevent the use of firearms and fireworks; to compel owners and occupants of buildings to have scuttles in the roofs and stairs and ladders to the same; to authorize the mayor, councilors, fire wardens or other officers of the city to keep away all idle or suspected persons and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

**SEC. 4. *Wooden Sidewalks may be Prohibited.***—The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city and to prescribe other material to be used therefor whenever they deem the safety of the city requires it.

**SEC. 5. *Fire Apparatus and Companies.***—The city council shall have power to purchase fire engines and all other apparatus or materials which may be necessary or required for the extinguishment of fires; to erect and maintain fire alarm telegraphs and boxes; to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support, compensation and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of such company which may be authorized to be formed shall be exempt from poll tax and from serving on juries during their continuance of such membership, and shall elect their own officers and make their own laws, subject, however, to the approval of the city council.

**SEC. 6. *Penalty for Refusing to Obey Orders at Fires.***—Whenever any person shall refuse to obey any lawful order of any engineer, fire warden or councilor at any fire it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, police officer, watchman or any citizen to arrest, such person and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing to obey shall upon conviction before a city justice be punished by a fine not exceeding fifty (50) dollars and costs of prosecution, and to be imprisoned until such fine and costs are paid, not exceeding sixty (60) days; *Provided*, that the officers of said city shall be exempt from the provisions of this section.

**SEC. 7. *Fire Marshals and Fire Wardens.***—The city council shall have power to appoint a fire marshal of said city and one (1) fire warden for each ward to see that the ordinances of the city relating to precaution against dangers from fires are not violated, and who shall have power and are hereby authorized to enter any dwelling house at all reasonable hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and to examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced. The city council may require the fire marshal to examine particularly into the cause of every fire which shall happen within the city and make reports thereof as the council may require.

## CHAPTER IX.

## POLICE DEPARTMENT.

SECTION 1. The police department of the city of Jordan shall consist of the mayor, a chief of police, and such subordinate policemen, watchmen and other officers as may be authorized by the city council and appointed by the mayor. The mayor shall appoint the chief of police, all police officers and watchmen, and all other officers pertaining to each department. The mayor may at any time remove or suspend any officer or member of said department, and no person so suspended shall receive any compensation during the time of such suspension.

SEC. 2. The mayor may, at the request of any person, firm, corporation, society or organization, appoint a policeman or watchman, who shall serve without expense to the city and have police powers within such limits and at such places as may be designated in such appointment, but such limited policeman or watchman shall not exercise any authority nor wear any badge of office outside the limits named in such appointment.

SEC. 3. The mayor may, in case of any mob, riot, pestilence, large public gathering, great public excitement or other emergency, or for days of election, public celebrations or public parades, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue for more than one (1) week without the consent of the city council.

SEC. 4. All police officers and watchmen and all members of the police force shall possess and may exercise all the powers of constables at common law or by the laws of this state, and when performing any of the duties of constables shall be entitled to like fees to be taxed and collected in the like manner, but the city of Jordan shall not be liable to any such fees.

SEC. 5. The mayor or acting mayor, chief of police, the sheriff of Scott county and his deputies, the city justices and all police officers and watchmen shall be officers of the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens.

SEC. 6. If any bystander or citizen shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section, he shall upon conviction thereof in any court having jurisdiction be punished by fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

SEC. 7. If any person shall without authority assume to act as a policeman or pretend to have any such power or wear the badge of a policeman within said city, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before a city justice he shall be punished by fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

## CHAPTER X.

## CITY JUSTICES AND COURTS.

SECTION 1. The justices for the peace styled city justices, and each of said city justices, shall possess all the authority, power and rights of a justice of the peace for the county of Scott under the laws of this state, and in addition thereto shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trials for offenses cognizable before a justice of the peace, committed in said city, and all such offenses for violation of any provision of the charter or of any ordinance or by-law, rule or regulation made or adopted by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the city or its charter. In all prosecutions for assaults, batteries and affrays, and for all other offenses cognizable and triable before a justice of the peace (except as herein otherwise provided) and in all civil suits or proceedings the same forms and proceedings shall be had and used as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace, and removals of any cause from either of said city justices to the other, or as provided by the laws of this state, and appeals from the judgment and decision of said city justice shall be allowed as now provided by law for removal of causes and appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays, and in all cases of convictions under ordinances of the city for breach of the peace, disorderly conduct, keeping house of ill-fame or frequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justice shall have power in addition to the fines or penalty imposed to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars. All fines and penalties imposed by the city justices for offenses committed within the city limits or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 2. The city justices shall, as often as the city council may require, report to the city council all the proceedings instituted before them in which the city is interested, and shall, at the same time, account for and pay over to the city treasurer all fines and penalties collected or received by them belonging to said city.

SEC. 3. In all prosecutions for offenses cognizable and triable before a justice of the peace, committed in said city, said city justices shall be authorized to tax, in addition to all other legal costs, one (1) dollar for trial fee, but said fee shall in no case be collected from said city; and the residence of said city justices, or of any person summoned as a juror for the trial of any action pending before said city justice, in said city, shall not deprive said city justices of jurisdiction, or disqualify such person from serving as such juror in any action brought by or against said city when said city justice would otherwise have jurisdiction or such person be otherwise qualified to serve as such juror.

SEC. 4. The said city justices shall, upon complaint made, proceed to hear and dispose of in a summary manner, and without intervention of a jury, all suits, prosecutions and proceedings brought before them, or either of them, for any violation of an ordinance, by-law or regulation of said city.

SEC. 5. All prosecutions for any violation of this act, or for the violation of an ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant upon complaint made as required by law in criminal cases before a justice of the peace; *Provided*, that no warrant shall be required in any case of the arrest of any person made while such person is in the act of violating any law of the state, or any ordinance, by-law or regulation of said city, but in such cases a complaint shall be made after such arrest, which the justice shall reduce to writing, and the party arrested shall be required to plead thereto as to a warrant in other cases, and the person so arrested may be proceeded against in the same manner as if the arrest had been made upon a warrant.

SEC. 6. All process issued by a city justice for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be in the name of the "City of Jordan," and shall be directed to the chief of police or to any police officer of said city.

SEC. 7. Whenever the accused, tried for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be acquitted, he shall be immediately discharged, and if said city justice shall certify in his docket that the complaint was willful and malicious and without probable cause, he shall enter judgment against the complainant for costs of prosecution, and execution may issue therefor; *Provided*, that in no case shall any such judgment for costs be entered against any officer of said city who as such may make any complaint.

SEC. 8. Whenever any person shall be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty prescribed for any such violation, he shall be adjudged to pay all costs and disbursements of the prosecution, and in default of payment of such fine and costs and disbursements shall be imprisoned in the common jail of said county of Scott for a period not exceeding three (3) months.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged except the vote of two-thirds (2/3) of all the aldermen of the city shall so order.

SEC. 3. No person shall be incompetent as judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any action or proceeding in which the city shall be a party in interest.

SEC. 4. When any suit or action shall be commenced against said city, service of the process therein may be made by leaving a copy of such process with the mayor or acting mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof and take such other proceedings as by ordinance or resolution said city council may have or shall in such case provide.

SEC. 5. No law of the state concerning provisions of this act shall be considered [as repealing] amendatory, or modifying the same, unless said purpose be expressly set forth in said law.

SEC. 6. The chief of police shall collect the corporation or poll tax which may be levied by the city council, and said chief of police shall have and possess all the power created by the laws of this state for the collection of said tax.

SEC. 7. The city council may from time to time provide for the compilation and publication of the charter and ordinances of the city, and such resolutions and other matter as may be designated.

SEC. 8. All claims and demands against the city shall be itemized and duly verified by the claimant, or some person having personal knowledge thereof, before the same shall be allowed by the city council.

SEC. 9. All records, files and papers of the city shall be deemed to be public records, and at all reasonable times shall be open to the examination and inspection of all persons, and shall be *prima facie* evidence in all courts of the facts stated therein.

SEC. 10. This charter is hereby declared to be a public act, and all courts shall take judicial notice thereof, and it shall not be necessary to plead and prove the same in any court.

SEC. 11. For the purpose of the first election under this act the village council of the village of Jordan shall perform and discharge all duties respecting the designation of places of holding elections, the appointment of judges and clerks of election, the conduct of election, and the canvassing, determining and declaring the result of such election imposed by this charter upon the city council of said city, and in case said election cannot be called and held pursuant to the provisions of this act, at the time and in the manner by this act provided, then such election shall be called and held at such time as such village council of said village of Jordan may appoint, and within ten (10) days after this act shall take effect, upon at least five (5) days' notice to be given by said village council by posting in three (3) public places in each of the wards of said city.

SEC. 12. Whenever, in the exercise of any of the powers conferred by this act upon the city council, it becomes necessary or convenient for said city council to take and appropriate private property, said city council shall have power to, and shall, by ordinance, prescribe the manner in which said private property shall be condemned and appropriated to such uses.

SEC. 13. The city council at its first regular meeting in the month of April in each year, may designate one newspaper printed in said city in which shall be published all ordinances, notices, proceedings and matters required by this act or by any law of this state, or which may be required by any ordinance or resolution of the city council to be published in a public newspaper.

SEC. 14. All taxes assessed in the township of Sandcreek for town expenses and poor funds, and levied upon the property of the inhabi-



tants of the village of Jordan, for the year A. D. one thousand eight hundred and ninety (1890,) shall be paid to the treasurer of the city of Jordan, and it is hereby made obligatory upon the auditor and treasurer of Scott county to so set apart the share of said taxes belonging to said village, as soon as collected, subject to the order of the treasurer of the city of Jordan; and the *pro rata* share of all moneys in the hands of the treasurer of said township belonging to the town expense and poor fund, at the time this act takes effect, shall be set aside by the said township treasurer, subject to the order of the treasurer of the city of Jordan.

SEC. 15. So much of any act of the legislature heretofore passed for the incorporation of the village of Jordan, or amendatory thereof, or relating to assessments for local improvements within said village, and not necessary to carry out any of the provisions of this act, and so much of any act as may be inconsistent with this act, is hereby repealed, but such repeal of any act or parts of acts shall not in any manner affect, injure or invalidate any bond, contracts, suits, prosecutions, claims or demands lawfully issued, entered into or that may exist by virtue of any of the said acts, but the same shall exist and be enforced against and carried out by said city of Jordan, as fully and to the same extent that such village would have carried out and performed the same were this act not passed. And all ordinances, resolutions, regulations, rules, by-laws, orders, assessments and proceedings of the village council of the village of Jordan not repealed, modified or made void by any provision of this act shall continue and remain of the same force and effect within said city as though this act had not been passed, until altered, amended or repealed by or under the authority of the city council of said city of Jordan, and all suits and prosecutions now commenced and pending in which said village is a party or interested, or that shall have been instituted under any act repealed hereby, shall not abate, but shall continue and be completed and enforced as nearly as may be under this act or such acts so repealed or modified.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

## CHAPTER 5.

[S. F. No. 204.]

AN ACT TO REDUCE, AND TO [ADD TO,] AMEND AND CONSOLIDATE THE CHARTER OF THE "CITY OF ST. PETER," INCLUDING THEREIN THE REORGANIZATION OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1) IN SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The act entitled "An act to incorporate the city of Saint Peter and repeal the present acts of incorporation of the borough of Saint Peter," approved Feb. 28, one thousand eight hundred and seventy-three (1873), and all acts of the legislature adding to or amending the same subsequently passed, are hereby amended, added to, consolidated and reduced to one act, including therein the reorganization of "independent school district number one (1)," in said city, so that the same shall constitute and be the charter of the city of Saint Peter, in the county of Nicollet and state of Minnesota, which shall read as follows:

## CHAPTER I.

## CREATION OF CORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. *Creation of Corporation.*—That all that district of country contained within the limits and boundaries hereinafter described shall be a city by the name of the "City of Saint Peter," and the people who now do and hereafter may reside therein, shall be a municipal corporation by the name of the city of Saint Peter, and by that name shall sue and be sued and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purposes of the corporation may require or the transaction or exigencies of the business may render convenient, within or without the city, and the same shall be free from taxation; shall be capable of contracting and being contracted with, and have the general powers possessed by municipal corporations at common law; and in addition thereto shall possess the powers hereinafter specially granted, and that the authorities thereof shall have perpetual succession.

SEC. 2. *City Boundaries.*—The boundaries of said city shall be as follows: Commencing at a point in the main channel of the Minnesota river where the same is intersected by the north line of section number fifteen (15), in township number one hundred and ten (110) north, of range number twenty-six (26) west, in the county of Nicollet and the state of Minnesota; thence westerly along the north line of sections numbered fifteen (15), sixteen (16) and seventeen (17), in the same township and range, to the quarter post upon said north line of said section number seventeen (17); thence southwardly along the centre line of said section seventeen (17) and sections number twenty (20) and twenty nine (29), in the same township and range, to the middle of the Minnesota river; thence down said river along the main channel thereof to the place of beginning.

**SEC. 3. *Ward Boundaries.***—The said city shall be divided into two (2) wards called the first and second wards, limited and bounded as follows: All that part of territorial limits lying and being north of a line commencing in the centre of Grace street, at a point where said line intersects with the Minnesota river; thence westerly along the centre of said street to the westerly line of said city, being the quarter line dividing said sections number seventeen (17) and twenty (20), town one hundred and ten (110), range twenty-six (26), shall constitute the first ward.

All that part of said territorial limits lying and being south of said described line shall constitute the second ward.

**SEC. 4. *Change of Wards.***—The common council of said city shall have the power by ordinance to change the boundaries of said wards or increase the number thereof to not exceeding five (5), as the convenience of the inhabitants may require, such wards containing as nearly as practicable an equal number of voters.

**SEC. 5. *Additional Territory—Police and Sanitary Purposes.***—That the west one-half (½) of section twenty-two (22), and all that portion of section fifteen (15), sixteen (16) and twenty-one (21), lying east of the Minnesota river, all in town one hundred and ten (110), range twenty-six (26), also the town of Saint Peter, lying in Le Sueur county, Minnesota, as platted and recorded in the office of the register of deeds of said Le Sueur county, be and the same is hereby attached to the city of Saint Peter and included within the corporate limits thereof for police and sanitary purposes only, and the said city of Saint Peter shall have and possess all police and sanitary powers over the territory above described, which are now possessed by said city under its charter over the incorporate limits of said city.

## CHAPTER II.

### ELECTION OF OFFICERS.

**SECTION 1. *Annual City Election.***—There shall be held an annual election for elective officers, hereinafter provided, on the first (1st) Tuesday of April of each and every year, at such place in each ward as the common council shall designate, and shall be conducted in all respects in accordance with the general election laws of the state, except as hereinafter qualified. Ten (10) days' previous notice shall be given by the common council of the time and place of holding such election and the officers to be elected, by posting by the city clerk the notices thereof, at each place of election in the city, and by publishing the same in the official paper of the city. The common council shall, in due time before any election, organize a full board for each election district as provided by this act.

**SEC. 2. *Special Elections.***—Special elections for any purpose shall be held and conducted in all respects as general or annual elections under this charter, and upon a notice of not less than ten (10) days, which notice shall distinctly specify the objects of said election.

**SEC. 3. *Elective Officers and Term of Office.***—The elective officers of said city shall be a mayor and treasurer, who shall hold their respective offices for the term of one (1) year, and until their successors are elected and qualified. The officers elected in each ward shall be three (3) aldermen and one (1) justice of the peace, who shall be styled city justice. The term of office of aldermen shall be three (3)

years, and until their successors are elected and qualified. The term of office of city justices shall be two (2) years, and until their successors are elected and qualified.

All of said officers shall be residents within and qualified voters of the city and ward for which they may be elected; *Provided*, that the present officers of said city shall hold their offices for the full term for which they were elected, and the common council shall so arrange, as soon as practicable, that each ward elects one alderman each year except to fill vacancies; and for that purpose shall, previous to the first election next to be held under this charter and at any subsequent election in case of filling vacancies, designate for what term, if any, aldermen shall be elected in each ward in order to arrive at and maintain the desired requirement of electing one (1) alderman each year in each ward.

SEC. 4. *Commencement of Term of Elective Officers.*—The official term of all officers elected under the provisions of this act shall commence on the second (2d) Tuesday of April in the year in which they were elected.

SEC. 5. *Vacancies—How Created.*—Any officer removing from the city or ward for which he was elected or appointed, or who shall neglect or refuse, for ten (10) days after notice of his election or appointment to qualify or enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the common council shall declare the office vacant and proceed to fill such vacancy as herein prescribed.

SEC. 6. *Vacancies—How Filled.*—Whenever a vacancy shall occur in the office of any elective officer in said city, excepting that of mayor, which is hereinafter provided for, such vacancy shall be filled by appointment by the common council until the next annual election, and the successor of such a person so appointed to fill any vacancy as aforesaid shall be elected at such election for the unexpired term.

SEC. 7. *President and Vice President of Council—How Elected.*—At the first meeting of the common council after the annual election in each year, or as soon thereafter as may be, they shall proceed to elect, by ballot, from their number a president and vice president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent, the vice president shall discharge the duties of such president, and act in his place. And during the absence of both mayor and president from the city, or their inability from any cause to discharge the duties of their respective offices, the vice president shall, during such absence or inability, exercise all the powers and discharge all the duties of mayor.

The president, vice president or a temporary presiding officer, elected by the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor. The mayor, president and vice president of the common council shall have the right to administer oaths and affirmations.

SEC. 8. *Vacancy in Office of Mayor—How Filled.*—In case of a vacancy in the office of mayor by death, resignation or otherwise, the president

of the common council succeeds to the office of and becomes mayor of the city until the next annual election, and the vacancy caused thereby in the common council shall be filled by that body as herein provided. In the absence from the city of the mayor, president and vice president of the common council, or in case of their inability to discharge the duties of their respective offices, if it should become necessary or proper that either of said officers should discharge a public or official duty in said city, the common council shall meet forthwith and appoint of their own number a president *pro tem.* who shall become acting mayor and exercise all the powers and duties of the office for the time being.

SEC. 9. *Qualifications of Voters.*—All persons entitled to vote for state or county officers, and who shall have resided in the city of Saint Peter for four (4) months immediately preceding the election, and ten (10) days in the ward in which they offer to vote, and shall be a *bona fide* resident of said city at the time of election, shall be entitled to vote for any officer at any election held under this act, and a plurality of votes shall constitute an election.

SEC. 10. *Tie in Elections.*—Whenever two or more candidates for any elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct; of which time and place said candidates shall have notice.

SEC. 11. *Election Districts—Judges of Election—Duties.*—Each ward shall constitute an election district for state, county as well as city elections. The elections in said city shall be held and conducted by the aldermen of each ward and one or more electors of said ward to be appointed by the common council, who shall be the judges of election, and they shall have the power to appoint the clerks of such election. In all other respects the elections shall be conducted in the same manner and under the same penalties, judges and clerks of the election shall have the same duties and powers, receive the same compensation, and vacancies in the board shall be filled, as required by the laws of this state regarding elections, except that the returns of all elections for city officers shall be made to the city clerk as hereinafter provided, and that no candidate at any such election shall act as judge or clerk of election.

SEC. 12. *Election Returns.*—Whenever any city election shall be closed, and the votes cast thereat counted and the result ascertained, the said election board shall make return thereof, with an abstract of the whole number of votes cast at such election, stating the whole number of votes for each person and each office, or upon any or all propositions, affirmative or negative, of any propositions submitted to the people of said city at any such election, and shall within three (3) days thereafter deliver, or cause to be delivered by one of their number, into the hands of the city clerk, such abstract and return, and the common council shall meet and canvass said returns and declare the result as it appears from the same on or before the Monday next succeeding said election. The city clerk shall then forthwith notify the officer or officers elected of their election by written notice served upon such officers in person, or left at their last usual place of abode, with some person of suitable age and discretion. Certificates of election shall be issued to all elective officers of said city under the direc-

tion of and in manner and form as the common council may prescribe.

SEC. 13. *New Elections—Notice.*—Should there be a failure by the people for any cause, to hold any city election at the time or in the manner herein prescribed, or to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days previous notice of the time and place being given; *Provided*, that no failure of the city clerk to give the notice of elections specified in section one (1) of this chapter shall in any manner invalidate any general election.

SEC. 14. *Appointive Officers.*—The mayor shall, except as herein otherwise provided, at the first (1st) meeting of the common council after the annual election, or as soon thereafter as may be, nominate and appoint, with the advice and consent of that body, a city marshal and one or more policemen, and also, at the same time, or as soon thereafter as may be, all such other officers as may be necessary for the proper management of the affairs of the city, or offices created by virtue of this act.

The common council, at their first (1st) meeting in each year, or as soon thereafter as may be, shall appoint, to be determined by ballot, a city attorney, city clerk, city surveyor, city printer, city assessor, street commissioner, pound master, city physician, and a board of health.

SEC. 15. *Official Term of Appointive Officers.*—The official term of all officers of the city, appointed by virtue of preceding section, shall be, except as otherwise provided in this act, for the term of one (1) year, commencing on the third (3d) Tuesday of April in each year, and until their successors are appointed and qualified, except as herein otherwise differently provided. Warrants of appointment shall be issued to all such appointed officers of said city by the clerk, in such form and manner as may be prescribed by the common council.

### CHAPTER III.

#### POWERS AND DUTIES OF OFFICERS.

SECTION 1. *Removal from Office.*—Every person elected to any city office by the people, or appointed to any city office by the mayor or common council, may be removed from said office by a two-thirds (2/3) vote of all the aldermen elected, but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given him, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; but if said officer neglects to appear and answer the charges against him, after proof of service of charges and notice to appear, the common council may declare the office vacant.

SEC. 2. *Oath and Bond of Office.*—Every person elected or appointed to any office under this act shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same, duly certified by the officer administering the same, with the clerk of said city, and the treasurer and clerk, and such other officers as the com-

mon council may direct, shall, before entering upon the duties of their respective offices, be required to execute such bond to the city of Saint Peter, as the common council thereof may direct and approve, for the faithful performance of the duties of such office, and such bond may be increased or diminished at the pleasure of the common council, and any officer failing to give the required bond at any time may be removed from said office by the common council.

SEC. 3. *Powers and Duties of Mayor.*—The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and shall, by virtue of his office, nominate for appointment all police officers and watchmen, except when otherwise provided for. He is clothed with the power to call upon any male inhabitant of said city, or any bystander over the age of twenty-one (21) years, to aid in the enforcement of laws and suppression of disturbances, and any person, when so directed, who shall not obey such call or render such aid, shall, upon conviction before any of the city justices, or other magistrates having jurisdiction thereof, be fined not less than five (5) dollars nor more than fifty (50) dollars. In case of riot, large public gathering, or other disturbance, or whenever, in his opinion, the safety of the city requires it, he may provide and appoint as many special or temporary policemen or watchmen as he may deem necessary, and any policeman or watchman appointed by the mayor, as aforesaid, may be discharged by him whenever he sees fit; but such especial or temporary appointments shall not continue for more than one (1) week without the consent of the common council.

All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto in writing, by depositing the same with the city clerk, to be presented to the common council at their next regular meeting thereafter; and upon the return of any resolution or ordinance by the mayor unsigned, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elected, it shall have the same effect as if approved by the mayor, and in such case the votes shall be by ayes and noes, which shall be recorded by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sundays excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him. All contracts, appropriations and orders drawn on the treasurer shall be signed by the mayor.

The mayor may also, if he deems it necessary and proper, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city, and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment, but such limited policemen or watchmen shall not exercise any authority nor display any badge of office outside the limits named

in such appointment. The mayor shall, whenever he deems it necessary, with the consent and approval of the common council, from time to time, make regulations for the control of the police force and for enlarging or restricting the powers and duties of the several officers thereof.

**SEC. 4. City Clerk—Powers and Duties.**—There shall be a clerk of said city, styled the city clerk, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council, certified by him, under the corporate seal, shall be evidence in all courts, the same as the original would be, if produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose.

The city clerk shall have power to administer oaths and affirmations, and take acknowledgment of deeds and other writing.

It shall be the duty of the city clerk to report to the common council the financial condition of the city, whenever the common council shall require it. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually, on or about the first (1st) day of April, to the common council an estimate of the expenses of the city, and likewise the revenue necessary to be raised, for the coming year. He shall receive all moneys payable to said corporation, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor.

He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the common council or by any city officer; and every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the clerk. The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates, or other evidences of indebtedness issued by the common council; the amount of all bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; countersign all bonds, orders or other evidences of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the city, or any part thereof, shall



report to the common council the schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land; which said schedule shall be certified by the affidavit of the clerk, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. All claims and demands against the city, before they are allowed, shall be either indorsed by the proper city official or verified by the oath of the claimant, and audited and adjusted by the clerk. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested, directly or indirectly, in any contract or job to which the city is a party, or in which the city is interested; and any contract in which he may be interested shall be null and void. The city clerk shall perform such other and further duties as may be prescribed herein, or by any ordinance of said city, and any fees allowed to him by any ordinance may be retained by him in addition to his regular salary.

SEC. 5. *Deputy Clerk—Appointment of.*—The common council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the clerk, a deputy clerk. Whenever the clerk and deputy clerk are absent, or are, for any reason, unable to act, the common council may appoint a clerk *pro tempore*, and said clerk so appointed, as well as the deputy clerk, when acting as city clerk, shall have the same powers, and be subject to the same duties and liabilities as the city clerk, and shall be paid for their services out of the salary of the city clerk; *Provided*, that the city clerk is responsible for all official transactions of such deputy clerk appointed upon his nomination.

SEC. 6. *City Attorney.*—The city attorney shall be a person admitted to practice law in all courts of this state, and shall be the legal adviser of all officers of said city upon all subjects arising by virtue of this act. He shall attend and prosecute or defend all suits, actions or proceedings, either civil or criminal, for or on behalf of said city or in which the city may be a party. He shall, when required, furnish written opinions upon any subject arising by virtue of this act submitted to him by the common council or any of its committees, attend the meetings of the common council when requested, and shall perform all other professional services incident to his office. He may, in his temporary absence or other inability, at his own expense, with the approbation of the mayor, designate some other attorney to act in his stead for the time being.

SEC. 7. *City Treasurer—Deposit of Funds.*—The treasurer shall receive all moneys from the city clerk, receipting to him therefor, including all taxes, license moneys, fines and other revenues belonging to the city; keep an accurate and detailed account thereof, in such manner as the common council may direct; shall pay out money only on orders drawn upon him, duly signed by the mayor and attested by the clerk of said city, and make such reports, exhibits and perform such other and further duties, as may be required by the charter and ordinances of said city.

All the funds of the city of Saint Peter shall be deposited by the city treasurer in one or more national, state or private bank or banks in the name of the city treasurer in his official capacity and not otherwise, whenever the common council may so direct. Such bank or banks shall be designated or redesignated by the common council in their discretion, at any time after advertising in one (1) or more newspapers in the county (or if the public interests may require, in one or more newspapers published in the state) once in each week for at least two (2) weeks, for proposals stating what security would be given to said city for such funds and what interest on monthly balances of the amount so deposited, on condition that the said funds with accrued interest shall be held subject to draft and payment at all times on demand.

Before any such bank or banks shall be designated as such depository, such bank, banks or banker shall deposit with the city clerk of said city, for the examination and approval by the common council, a bond, with two or more sureties, payable to the city of Saint Peter, and shall be in such amount and for such period as the common council shall direct, which amount shall be at least double the amount of funds to be deposited with such bank, banks or banker.

Whenever any portion of the funds of said city shall be deposited by the city treasurer in the manner as provided by this act, such treasurer and the sureties on his bond shall be exempt from all liabilities thereon, by reason of the loss of any such deposited funds from the failure or other acts of such bank or banks, to the extent and amount of such funds in the hands of such bank or banks.

Each depository designated under the provisions of this act shall, at all reasonable times, permit an examination of the city treasurer's account upon the books of said depository by the common council, or a committee appointed by them for that purpose. All sums of interest accruing upon funds deposited with any bank, banks or banker under the provisions of this act shall be credited to such deposit account, on the first (1st) day of each month for the month preceding, and a monthly statement of such interest as computed on the balances shall be rendered to the city clerk forthwith, who shall charge the city treasurer with the amount thereof and credit the same to the general fund.

**SEC. 8. City Justices—Powers and Duties.**—The city justices shall possess all the authority, powers and rights of a justice of the peace of the county under and by virtue of the laws of the state of Minnesota, and shall have, in addition thereto, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace. The said justices shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions, or proceedings for the recovery of any fine, forfeiture or penalty, under any ordinance, by-law or regulation of the said city of Saint Peter or its charter, or for the breach or violation of any such ordinance, by-law or regulation, and in all cases of offenses committed against the same. All prosecutions for a breach or violation of any ordinance, by-law or regulation shall be commenced in the name of the city of Saint Peter, and the same proceedings shall be had in civil and criminal suits before said city justices, when not herein otherwise directed, as are established and

required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgment and decisions of said city justices shall be allowed in the same manner as are provided by law for appeals from judgments rendered by justices of the peace, in all cases when appeals may be taken or had, under and by virtue of the provisions of this charter.

The city justices shall have jurisdiction in cases of larceny, and may hear and try the same, when the value of the property alleged to have been stolen does not exceed the sum of twenty (20) dollars. The said city justices shall have the same power and authority in case of contempt as a court of record.

If, on the return of the process, or at any time before the trial commences, in any action or proceeding, civil or criminal, either party, his agent or attorney, makes affidavit that the justice before whom the same is pending is a material witness for said defendant, without whose testimony he cannot safely proceed to trial, or that from prejudice, bias, or other cause, he believes such justice will not decide impartially in the matter, or if it is proved that the justice is near of kin to the plaintiff, the justice shall transfer said action, and all papers appertaining to the same, to some other city justice, who may thereupon proceed to hear and determine the same, in the same manner as the justice before whom the said action or proceeding was commenced might have done; but no cause or proceeding shall be removed more than once, and no justice shall be required to transfer any civil action until all his costs in the same are paid.

In all cases of conviction of assaults, batteries or affrays within said city, and in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said city justices shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, in a sum not exceeding five hundred (500) dollars.

All fines and penalties imposed by said city justices for offenses committed within the limits of said city, for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the general revenue of said city.

The city justices shall also have power, in cases under this charter and ordinances of the city when punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence the offender to hard labor in any workhouse established or designated by the city for that purpose, or in case of male offenders to sentence them to labor on the streets, public works or improvements of the city, until such person shall work out the amount of such fine and costs at such a rate per day, not less than one (1) dollar, as the common council may fix upon; and may punish and sentence such offenders by imprisonment and to be fed on bread and water whenever in their discretion it appears just and proper.

The city justices shall have authority and may commit any person or persons, liable to imprisonment under the charter or ordinances of said city, to the county jail of Nicollet county, and such persons shall be in charge of the sheriff of said county as in other cases, except as otherwise provided herein.

In all actions, prosecutions and proceedings of every kind before either of the city justices, such city justice shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinances in said courts.

Said city justices shall be in attendance at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to and writs and process shall, on request, be issued by them at all times, in court or otherwise.

The said city justices shall, as often as the common council may by rule prescribe, make report to that body of all proceedings instituted before them, in which the city is interested, and also account for and pay over to the city clerk all fines and penalties collected by them, belonging to the city.

The said city justices shall have the power and authority to remit fines imposed by them, and to suspend sentences in any or all criminal prosecutions had before them, in such manner and upon such terms as they, in their discretion and judgment, shall deem proper and right.

The city justices shall be entitled to receive from the county of Nicollet such fees, in criminal cases occurring without the city, as are allowed to other justices in the county for similar services.

The city justices elected in the city of Saint Peter shall have concurrent jurisdiction within the city, and may hold their offices, and hear and conduct all trials, examinations and proceedings cognizable by them, at any place within the limits of said city; *Provided*, that for the removal of any trial, examination or proceeding from either one of the city justices, the city of Saint Peter shall be considered and deemed as one election district.

In all actions, civil and criminal, before the city justices of the city of Saint Peter, when jury trials may be had, the same proceedings shall be had and entertained regarding the selection, drawing and impaneling jurors as are had before justices of the peace in the state of Minnesota, under the general laws of said state; and all proceedings relating to jury trials before said city justices shall be governed by and conformable to the general laws of the state of Minnesota, applicable to justices of the peace; *Provided*, such proceedings are not in conflict or repugnant to any provisions of this charter, or any ordinance, by-law, rule or regulation made in pursuance thereof.

The city justices shall have the power and authority to tax and impose legal costs in all cases when fines and penalties are imposed by them, or when judgments are rendered in their courts, and said costs shall be added to such fines, penalties or judgments, as the case may be, and become a part thereof and be collected therewith.

**SEC. 9. City Marshal and Police Officers.**—The city marshal shall be the chief of police of said city, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and as may be required of him by ordinance.

All of the police officers of said city shall have and possess the powers of constables at common law, or by the laws of this state, and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justices, for any violation of the laws of the state of Minnesota or the ordinances, by-laws or regulations of said city, and also all writs and process issued by said city justices in civil actions, and they shall have

authority to pursue and arrest any person fleeing from justice anywhere in the state, and when performing the duties of constables as aforesaid shall be entitled to like fees. It is the duty of all police officers to see that all ordinances, health and police regulations are duly observed. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or of any violation of the laws of this state or the ordinances or by-laws of the city; and for these purposes, shall have the powers of constables at common law while on duty; *Provided*, that no person shall be eligible to an appointment of police officer who is not of good health and physique and a resident and qualified voter of said city.

SEC. 10. *City Assessor—Qualifications.*—The assessor shall, at the time of his appointment, be a resident and qualified elector of said city, shall have and possess all the authority, rights, powers and duties of assessors under the general laws of this state, except as hereinafter provided and qualified.

SEC. 11. *Assistant Assessor.*—The common council may also, whenever they shall deem it necessary, authorize the said assessor to appoint one or more assistants, who shall have the same qualifications as the assessor, to aid him in said assessment, and whose compensation shall be fixed by the common council; but no appointment of assistants shall be valid or of force until the same is confirmed by a vote of the common council.

SEC. 12. *Board of Review—Powers and Duties.*—The common council shall constitute the board of review, who shall be sworn according to law as such board, and meet at the council rooms in said city at the time provided by law for the meeting of town boards of review, and revise, amend and equalize the assessment made by the city assessor. It shall be the duty of the assessor to be present at all meetings of said board, and present to them all facts relating to the assessment. The city clerk shall act as clerk of such board of review. Such board of review is vested with all the powers which are or may be vested in county boards of equalization under the general laws of this state, but shall not be restricted by any limitation in respect to reducing aggregate sums of real and personal property, as returned by the assessor. They shall receive as compensation for their services the sum of two (2) dollars per day.

SEC. 13. *City Surveyor.*—The duties of the city surveyor shall be prescribed by the common council, and said officer shall be a practical surveyor and engineer. He shall file with the city clerk all surveys, plats, plans and estimates made by him for the city, and they shall be the property of said city and open to the inspection of all parties interested.

SEC. 14. *Street Commissioner.*—The street commissioner shall, under the direction of the common council, or a committee thereof, superintend all improvements on the streets, bridges and public grounds of said city, and carry into effect all orders and ordinances of the common council, or orders of the street committee of said body, in relation to work or improvements on the streets, roads, sidewalks, alleys, bridges and public grounds, and it shall be his duty to see that the same, when graded and open for travel, are kept clear from obstruction and in such repairs as to be in good passable condition, and shall perform such other services as are hereinafter prescribed, and account for all money collected by him, or under his control, belonging to the city.

No street commissioner shall be interested in any contract for any work to be done under his charge, nor be allowed compensation for use of any team owned by himself or in which he has an interest. In the collection of the corporation or poll tax, the street commissioner shall have all the powers as are possessed by road overseers under the laws of this state.

SEC. 15. *Road Districts—How Created.*—The common council may divide said city into two or more road districts, and then that body may appoint a sufficient number of street commissioners, who shall have the same powers and duties as are prescribed in the preceding section.

SEC. 16. *Official Paper—How Designated.*—The common council, at their first (1st) regular meeting after the annual election in each year, or as soon thereafter as may be, shall designate one newspaper printed in said city as the official paper of the city, in which shall be published all ordinances and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper; *Provided*, the common council shall advertise for proposals to do the city printing giving public notice, in such manner as the common council may direct, that sealed bids shall be received by the city clerk for doing said printing. The bid or bids received by the city clerk to do said printing, shall be publicly opened by said clerk, at such time and place as the common council shall appoint, and the common council may accept the lowest responsible bid received, or reject any and all bids; *Provided further*, that the common council may order the publication of ordinances, advertisements, proceedings, or such resolutions as may be of general importance, in such other newspapers as they may direct. The printer of the official paper so designated shall be styled the city printer.

SEC. 17. *Duties of City Printer.*—The city printer, or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of his or their printer or foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such matter, and no account of the publication of such notice, ordinance, resolution or other matter, shall be allowed or paid by the common council, until such proof of publication has been made and filed.

SEC. 18. *Poundmaster.*—The poundmaster shall have the same authority as police officers, in enforcing the ordinances of said city, against cattle or other animals running at large and for impounding the same.

SEC. 19. *City Physician.*—The common council shall appoint a city physician, who shall be a physician of regular practice and of good standing in his profession and a graduate of some college of medicine. He shall attend and furnish medicine to all poor of the city, as may be required of him by the common council. He shall, by virtue of his office, be president and executive officer of any board of health established by said city, and perform all duties required of him by any ordinance of the city. It shall be his duty to make regular inspection of the city, as to matters affecting the health of its citizens, and make reports to the state board of health of such facts as may be required by said state board. He shall receive such compensation as the ser-

vices rendered by him are reasonably worth, to be determined by the common council.

**SEC. 20. *Board of Health.***—The common council shall appoint a board of health for the city of Saint Peter, consisting of three (3) members, including the city physician. The health officer (city physician) shall be appointed at the first (1st) meeting of the common council in each year, or as soon thereafter as may be. The other two (2) members shall be appointed at the first (1st) meeting of the common council after the next city election, or as soon thereafter as may be, one (1) of whom shall hold his office for a term of one (1) year, and one (1) of whom shall hold his office for a term of two (2) years, to be determined by the common council; and annually thereafter one (1) member, besides the health officer, shall be appointed for a term of two (2) years, to succeed the member whose term is about to expire. All of which officers shall hold their respective offices until their successors are elected and qualified.

The said board of health shall have the same authority as police officers, in enforcing the ordinances of said city for the security of public health.

**SEC. 21. *Officers to Make Returns of Property.***—All officers of the city having charge of any city property shall, at the close of each fiscal year, and at other times when required by the common council, make and return to the common council a complete inventory of all public property in their hands or under their control respectively.

Such inventories shall be preserved and filed by the city clerk and kept open to inspection of all parties interested, but need not be printed in the proceedings, unless the common council shall so specially direct.

**SEC. 22. *Officers to Turn Over Property.***—Any person having been an officer of said corporation shall, within three (3) days after notification and demand, deliver to his successor in office or other duly authorized person or persons all property, papers and effects of every description, in his possession belonging to said city or pertaining to his office, and if he fails to do so, he shall forfeit and pay to the use of said city the sum not exceeding five hundred (500) dollars, to be recovered in a civil action, besides all damages caused by his neglect or refusal to so deliver, and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

**SEC. 23. *Other Duties of Officers Required—Other Officers Appointed.***—The common council shall have the power, at any time, to define and require other and further duties, to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to create such further offices and appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their powers and duties and fix their compensation, unless herein otherwise provided.

**SEC. 24. *Salaries of City Officers—By Whom Fixed.***—The common council shall have the power, and is required, to fix the compensation or salary of all officers elected or appointed under this act; *Provided*, that the mayor may receive a salary not exceeding one hundred (100) dollars per annum, and each alderman may receive a salary not exceeding two (2) dollars for each meeting he attends, not exceeding twenty-five (25) meetings in any one (1) year, but the common council

may, by two thirds ( $\frac{2}{3}$ ) vote of all aldermen elected, allow additional compensation for any extraordinary service performed by any officer or any of its committees.

All salaries or compensations shall be fixed by resolution at the commencement of the official year, or as soon after election or appointment as practicable, and when so fixed, shall not be increased or diminished during the term for which said officer shall have been elected or appointed.

SEC. 25. *Exemption from Jury Duties.*—All officers of the city, while holding such office, shall be exempt from serving as jurors in any court.

SEC. 26. *City Officers Not to be Interested in Contracts.*—No alderman or other officer of said city shall be a party to or interested in any job or contract with the city, and any contract in which any alderman or other officer shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman or other officer interested in the same.

SEC. 27. *Officers of the Peace.*—The mayor, acting mayor and each alderman, chief of police, the sheriff of Nicollet county, the city justices and all police officers and watchmen shall be officers of the peace and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purposes may command the assistance of all bystanders and citizens; and if any citizen or bystander shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of not less than ten (10) dollars nor more than fifty (50) dollars; and in cases where civil authorities may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order named, shall direct the proceedings.

## CHAPTER IV.

### THE COMMON COUNCIL—GENERAL POWERS AND DUTIES.

SECTION 1. *Common Council—Quorum—Style of Ordinances.*—The aldermen shall constitute the common council of the city of Saint Peter, and the majority thereof shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. The style of all ordinances shall be: "The common council of the city of Saint Peter do ordain."

SEC. 2. *Regular and Special Meetings of the Common Council.*—The common council shall hold regular or stated meetings, at such times and places as they by resolution may direct. The first (1st) meeting, after the annual election, shall be held on the second (2d) Tuesday of April in each and every year. The mayor, or in case of his refusal or neglect, any two (2) aldermen, may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode.

SEC. 3. *Common Council Judges of Election of its Members—Rules of Procedure.*—The common council shall be the judges of the election, return and qualification of its own members, and in such cases have the power to send for persons and papers. It shall determine the



rules of its own proceedings, punish its own members for disorderly conduct and with the concurrence of two-thirds (2/3) of all aldermen elected, expel a member after due notice given and an opportunity extended to the accused to be heard by counsel or otherwise; shall have power to compel the attendance of absent members, and may provide for the punishment of such absent members. Continued absence from the meetings of the common council by any of its members for three months shall be deemed good cause for removal, unless he can give a satisfactory excuse therefor.

**SEC. 4. *Record of Proceedings.***—The common council shall keep a journal or record of its proceedings, and ayes and noes, when demanded by any member present, shall be entered on the journal.

**SEC. 5. *Control of Finances and Property—Power to Enact Ordinances.***—The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government, good order and cleanliness of the city, the protection of its property, the suppression of vice and intemperance, the benefit of trade and commerce, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison, workhouse and watchhouses, and make all needful rules and regulations therefor, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever. The common council shall have the exclusive right to exercise all the legislative powers granted by this act to the corporation, and have full power and authority to declare and enforce penalties and punishments, and enforce the same against any person or persons who may violate any ordinance, by-law, rule or regulation passed or ordained by them, and all such ordinances, by-laws, rules and regulations are hereby declared to be and to have the force of law; *Provided*, they be not repugnant to the constitution of the United States or of this state, and for these purposes shall have authority by ordinance, by-law, resolution or regulation:

*First*—To regulate and license exhibitions of common showmen and shows of all kinds, circuses, the exhibitions of caravans, concerts and theatrical performances; also to license and regulate all auctioneers, hawkers, peddlers, public halls and other buildings and inclosures used for places of public resort and amusement, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, taverns and saloons, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors, and to provide for and enforce such restrictions or prohibitions therefor as the common council deems proper; *Provided*, that the common council shall not issue any licenses for the sale of spirituous, vinous, malt or fermented liquors for any sum less than the sum fixed under the provisions of any general law of this state.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other game of chance for the purpose of gambling in said city, and to authorize the seizure of all instruments or devices used for the purpose of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct, and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers or inmates thereof.

*Fourth*—To compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to fence, remove or abate the same from time to time, and as often as may be necessary, for the health, comfort and convenience of the inhabitants of said city.

*Fifth*—To regulate or prohibit the slaughtering of animals within said city, to direct the location and management of slaughter houses and markets, breweries, distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and dealing in and conveying of gunpowder or other explosive substance or material.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes, or other public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

*Seventh*—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets; and to regulate places for bathing and swimming in the waters within the limits of said city.

*Eighth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese, or other animals, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for a violation of the ordinances; *Provided*, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling of such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owners within one (1) year from the day of sale, otherwise the same shall belong to the city.

*Ninth*—To prevent the running at large of dogs, and may impose a tax or license on the same, impose fines upon the owners or keepers and authorize the destruction or killing of dogs, when at large contrary to the ordinances.

*Tenth*—To prevent all persons riding or driving any horse, mule, ox or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to said sidewalks, grounds or property.

*Eleventh*—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery, to improve and ornament the same and make all regulations necessary for the care, protection and government thereof.

*Twelfth*—To prevent the discharging of firearms and firecrackers, and to prevent the exhibition of any fireworks in any situation or location which may be considered by the common council dangerous

to the city or any property therein, or annoying to any of the citizens thereof.

*Thirteenth*—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the inspection of flour, pork, beef, salt, fish, whisky and other liquors and provisions, and to appoint inspectors, measurers, weighers and gaugers and to prescribe and regulate their duties and compensation.

*Fourteenth*—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Fifteenth*—To prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth*—To direct and regulate or prohibit in any parts of the city the planting and preservation of shade or ornamental trees in streets, alleys, highways and public grounds of the city, and to provide for the punishment of any violation of the ordinances relating thereto.

*Seventeenth*—To regulate a place and manner of weighing and selling hay, straw, and other articles of feed, and the measuring, weighing and selling of firewood and other fuel, and to appoint suitable persons to superintend and conduct the same; to provide for a standard of weights and measures; for the appointment of a city sealer; to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

*Eighteenth*—To provide for, describe and regulate or prohibit the erection of hitching posts or rings for fastening horses or other animals, or to prohibit the same in any portion of the city in its discretion.

*Nineteenth*—To define and declare what shall constitute a nuisance, and enact ordinances to prevent the same and punish violations thereof, and to remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twentieth*—To remove and abate any nuisance, obstruction or encroachments upon the streets, alleys, public grounds and highways of the city.

*Twenty-first*—To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city.

*Twenty-second*—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh, fish, hides or skins of any kind; to provide for the punishment for any violation of the same, and to authorize the removal of the same at the expense of the owners.

*Twenty-third*—To establish and construct public grounds, pumps, wells, cisterns, reservoirs and hydrants; to provide for and control water works and the supply of water to the inhabitants of the city,

and regulate water rates; to create, alter and extend water districts; to provide for lighting the city; to create, alter and extend lamp districts; to control the creation of gas works, or other works for lighting the city, streets, public grounds and public buildings.

*Twenty-fourth*—To regulate and license hacks, drays, carts, omnibuses, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to prescribe standing places in the streets therefor, and to authorize the mayor or chief of police to regulate and direct the location of vehicles in the streets or alleys within said city.

*Twenty-fifth*—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such occupant or owner to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Also to compel the owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and in their default to authorize such filling or draining, and assess the cost thereof against such property.

*Twenty-sixth*—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

*Twenty-seventh*—To regulate the time, manner and place of holding public auctions or vendues and sales at public outcry.

*Twenty-eighth*—To restrain and regulate parties, processions, runners, porters, agents and solicitors for boats, vessels, stages, cars, public houses or other establishments.

*Twenty-ninth*—To establish public markets and other public buildings, make rules and regulations for the government of the same, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations, and to appoint suitable officers for overseeing, caring for and protecting the same.

*Thirtieth*—To prevent, control and regulate the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as shall preserve the health of the city; and also to regulate, control and prevent the landing of paupers and persons in destitute conditions into the city, not having a legal settlement or residence therein, and to require that such persons be taken back to the place from whence they may have been brought by the persons bringing or leaving them in said city.

*Thirty-first*—To provide for, create and establish the police of said city; to prescribe the number of police officers and their duties and regulate the same, and to provide for watchmen, designate their numbers and duties, and regulate the same.

*Thirty-second*—To regulate and prohibit the carrying or wearing by any person of concealed, dangerous or deadly weapons, and to provide for the seizure thereof.

*Thirty-third*—To control and regulate the cutting of ice in the Minnesota river, within or along the boundary line of the limits of said city.

*Thirty-fourth*—To regulate the opening of hatchways, and to compel the construction of proper guards about the same.

*Thirty-fifth*—To regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railroad tracks over such streets and highways as the common council may deem necessary; to prevent any railroad company from obstructing the streets or crossings in said city for a time exceeding five (5) minutes, accidents excepted; and any conductor or engineer of any railway train, car or locomotive, who shall obstruct any street crossing in said city for a time exceeding five (5) minutes, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten (10) dollars nor more than one hundred (100) dollars and costs, and be imprisoned until such fine and costs are paid not exceeding ninety (90) days, in the discretion of the court.

*Thirty-sixth*—To compel railroad companies to grade their crossings of the streets, alleys and highways in the city to the full width and length of their right of way in said streets, alleys or highways, where the railroads cross the same in said city, and to keep the same in repair, and to build and maintain suitable walks across the rights of way in said streets for the accommodation of foot passengers, and to build and maintain bridges, culverts, drains and sewers across the full width of their right of way in the streets, alleys and highways in said city, when and where the same shall be deemed necessary by the common council of said city.

*Thirty-seventh*—To name, change and regulate the names of streets, avenues and highways in said city, and to regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

*Thirty-eighth*—Said city shall have power to establish and maintain one or more ferries, pontoon or other bridges across the Minnesota river at such points as the common council shall determine, and to construct and keep in repair the roads leading to the same, and the common council may establish and collect such reasonable tolls for crossing said ferries or bridges as they may deem expedient.

*Thirty-ninth*—To levy and collect taxes, provide suitable buildings or offices for all necessary purposes of the city, appropriate money and provide for the expenses of the city government, and to provide for taking an enumeration of the inhabitants of said city from time to time.

*Fortieth*—To establish, lay out, alter, open, widen, extend, vacate, grade, repair, pave and lighten or otherwise improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also to regulate the width, material, construction and surface line of sidewalks, to prescribe different width in different localities, and to prevent damage thereto.

*Forty-first*—To establish and record with the city clerk, grades of streets, alleys, highways and walks to which buildings and other structures shall conform, and to provide for the inclosing, improving, adorning and regulating all the public buildings and grounds belonging to the city.

*Forty-second*—To regulate and control or prohibit the placing of poles and the suspending thereon or stringing of telegraph, telephone, electric light or other wires along or across any of the streets, alleys,

or highways of said city, and may order the same to be put under ground in the streets or highways in said city.

*Forty-third*—The common council may lay gas or other pipes in any or all of the streets, alleys, highways and public grounds of the city, and for the purpose of lighting of such streets, parts of streets, public buildings and places, as the common council shall deem proper for the convenience and safety of the inhabitants, and also for supplying the city with water.

*Forty-fourth*—To prescribe limits in which neither wood, lumber, lath, shingle, hay or other combustible materials can be piled or stored or lumber yards established or maintained.

*Forty-fifth*—To appropriate such reasonable sum or sums as they think proper for paying for music in the public parks of the city.

*Forty-sixth*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-seventh*—To direct the location, regulate and prescribe the construction of privies; to require and provide for the removal and disposition in such manner, with private parties or otherwise, throughout the city, or in districts thereof, of any or all swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, dead animals, or other foul or unhealthy stuff, with the authority to assess, levy upon, and compel the payment of the expense of such removal upon the property or owners thereof from which such above named matter or things shall be taken.

*Forty-eighth*—To provide for requiring owners of buildings or other structures, which shall have been damaged by fire or otherwise, or which, by reason of dilapidation, defects in structure, or other causes, may have become dangerous to life or property, or liable to cause accidents, to take the same or any part thereof down, or remove the same, and in case of refusal or neglect of said owner to take down or remove the same when ordered by any officer designated by said common council, then to cause the same to be done at the expense of the owner, the cost thereof to be again raised by special assessment on the land on which the same stands.

SEC. 6. *Punishment for a Breach of Ordinances.*—Fines, penalties and punishments imposed by the common council for the breach or violation of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred (100) dollars and costs, or imprisonment not exceeding ninety (90) days, or both, and in addition thereto may be sentenced to be fed on bread and water, in the discretion of the court, and offenders against the same may be required to give security for their good behavior and to keep the peace, not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

SEC. 7. *Offenders May be Put to Labor.*—The common council may also provide by ordinance that anyone convicted before a city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, or in case of a male offender, may be kept at hard labor during his term [of] imprisonment in such workhouse or upon the streets, highways or public works or improvements of said city; and may also provide by ordinance that anyone convicted of an offense before a city justice and committed upon non-payment of the fine imposed, may be kept at hard labor in

any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor, either in such workhouse or upon the public streets, highways or public works or improvements, until such person shall work out the amount of such fine and costs, at such a rate of compensation as the common council may prescribe, not less than one (1) dollar per day, for a time not exceeding said commitment; and the common council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent the escape and to secure proper discipline; *Provided*, that until otherwise ordered by the common council, the county jail of the county of Nicollet shall be used as a city prison or workhouse of said city, and it shall be the duty of the sheriff or jailer of said county to take into custody and safely keep in said jail all persons committed thereto, until discharged according to law; and when said jail is so used, the prisoners of the city are to be, as at present, in the custody of the sheriff of Nicollet county, except while working on the improvements of the city as aforesaid, when they shall be under the control of the police force of said city; *Provided further*, that the police of said city are authorized to take any person from said jail who has been sentenced to work upon any of the public works or improvements of said city, for the purpose of carrying said sentence into effect.

SEC. 8. *Abatement of Nuisances by Suit not Prevented.*—The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SEC. 9. *Revocation of Licenses.*—The common council shall have power at any time to revoke and cancel, for good cause shown, any license issued under this act, or by virtue of any ordinance of the city; *Provided*, that no such license shall be revoked or canceled until the person or persons holding the same shall have been notified in writing to appear before the common council at a time and place stated in such notice and show cause why such license should not be revoked and canceled. Said notice shall be made and given by the city clerk under the direction of the common council, and shall contain a statement of the charges upon which such cancelation is asked for, and be served upon such licensee at least five (5) days prior to such hearing.

SEC. 10. *Ordinances—How Passed and Published.*—All ordinances, by-laws and regulations of the common council shall be passed by an affirmative vote of a majority of all the members of the common council elected, by ayes and noes, which shall be entered in the record, approved by the mayor, and published in the official paper of the city for two (2) successive weeks before they shall take effect.

No ordinance shall be passed at the same meeting at which it shall have been presented or proposed, but this shall not preclude the passage of any ordinance reported by any committee of the common council, to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 11. *Record of Ordinances.*—All ordinances, after the same are approved, shall be recorded by the city clerk in a separate book, provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication, or a certified copy thereof, shall at all times be deemed and taken as sufficient evidence of such publication.

SEC. 12. *Ordinances, etc.—How Authenticated.*—That all books and pamphlets published, or which may be published, purporting on their title page to be published by the authority, order or direction of the common council and purporting to contain the charter and ordinances of said city, standing rules, orders or resolutions of said common council, or either, are hereby declared to be competent and *prima facie* evidence of the contents thereof and of the regularity of all proceedings relating to the adoption, approval and publication thereof, and shall be admitted as evidence in any court of this state without further proof; and the certificate of the city clerk that any printed or written slip or paper to which said certificate may be attached, contains or is a true copy of any ordinance, resolution or proceedings of the common council, or other paper, the original of which is presumably in the possession of the city clerk, shall constitute said written or printed slip or paper competent and *prima facie* evidence of the contents and purport of said ordinance, resolution or proceeding of the common council, or other paper, and of the legal passage, adoption, approval and publication thereof.

SEC. 13. *Temporary Loans—How Effected*—The common council may, during their fiscal year, by a vote of two-thirds ( $\frac{2}{3}$ ) of all aldermen elected, issue bonds or other evidence of indebtedness of said city, bearing interest not exceeding eight (8) per cent per annum and for a time not exceeding ten (10) years, in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year, in order to pay the indebtedness of the city; *Provided*, that the amount of such bonds or other evidence of indebtedness outstanding shall not, at any one time, exceed the sum of ten thousand (10,000) dollars, unless the same be authorized by a majority of the qualified voters present and voting at any election held for such purpose.

SEC. 14. *Purchase, Condemnation, etc., of Property.*—The common council shall have the power to acquire by purchase, lease, donation, grant or condemnation, such private property as may be necessary for sites for public buildings or grounds for the use of the city, and all other necessary purposes thereof, in a manner as herein provided, and may, by a two-third ( $\frac{2}{3}$ ) vote of all the members thereof, sell and convey such real estate as the city may own and which is not needed for municipal purposes.

SEC. 15. *Adjustment of Accounts of City Officers.*—The common council shall examine and adjust the accounts of all city officers and agents of the city at such times as they may deem proper, and may require such officers or agents, whenever they deem it necessary, to exhibit to them all their books and papers belonging to their respective offices; and if such officer or agent shall refuse to comply with the order of said common council in discharge of their duties in pursuance of this section, the common council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The common council shall make full records of all such settlements and adjustments.

SEC. 16. *Plats of Subdivisions of Tracts of Land.*—Whenever any person shall subdivide any lot or piece of ground within said city, he shall cause the same to be surveyed and platted, in accordance with



the provisions of the general laws of this state relating to town plats and when the survey and plat are so completed and acknowledged, it shall be presented to the common council. Said common council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall deem expedient. When any plat is accepted by the common council, the city clerk shall so certify upon the face of such plat with the corporate seal, when it may be recorded in the same manner and with the same effect as provided for by general law.

## CHAPTER V.

### TAXES AND FINANCES.

**SECTION 1. *Revenues of the City.***—All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this state, except as hereinafter expressly otherwise provided; *Provided*, that nothing herein contained shall be construed as limiting the levying and collection of special assessments as provided for in this act.

**SEC. 2. *Levy of Tax for Current Expenses.***—The common council shall have power annually to levy taxes upon all taxable property in said city, to defray the current expenses thereof and to pay interest and principal of the outstanding indebtedness of the city, but such assessment and levy shall not exceed ten (10) mills upon the dollar of the assessed valuation of such property.

**SEC. 3. *Levy of Tax for Improvements.***—The common council shall have power to levy a special tax upon all taxable property within said city, for the purpose of constructing and maintaining bridges, culverts, grading and improvements of streets, alleys and highways, including the building and repairing of sidewalks, crosswalks and sewers and for other necessary and proper purposes of the city, and conducive to good order and cleanliness and the protection against crime, disease and fire; *Provided*, that such taxes shall in no year exceed five (5) mills upon the dollar of the assessed valuation; *Provided further*, that for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or property benefited by such improvements to such extent as the common council may think just and equitable and in the manner as herein provided.

**SEC. 4. *Special Assessments—Authority to Levy.***—The municipal corporation of the city of Saint Peter is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements or upon property to be benefited by such improvements, without regard to cash valuation, and notwithstanding that the same may have been heretofore exempt from taxation under the laws of this state.

**SEC. 5. *Purposes for Which Made.***—That such assessments may be made by the city of Saint Peter for filling, grading, leveling, paving, sprinkling, curbing, walling, macadamizing, planking, constructing

bridges upon or otherwise improving any street, lane, alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane, alley, highway or public ground or procuring grounds for any public building and for planting shade trees upon or otherwise ornamenting the same; also for filling, grading, protecting, ornamenting, or otherwise improving any public square, park or grounds now or hereafter to be laid out; also for constructing, laying, relaying, erecting, cleaning and repairing cross and side walks, area walls, gutters, sewers, private drains, for the establishment and extension of water works, and the abatement of any and all public nuisances within said city, and this section shall apply to all cases of appropriation of private property for public use, except as in this act otherwise provided.

The cost of any improvements mentioned in this section shall be defrayed, save as herein otherwise provided, by a special assessment upon the property fronting upon such improvements, or upon such property to be benefited by such improvements, to be levied in a manner hereinafter described; *Provided*, that all crosswalks and sidewalks, adjacent to public grounds, other than streets, lanes or alleys, shall be constructed at the expense of the city at large; *Provided*, also, that upon a vote of two-thirds (2/3) of the aldermen elect, any improvement mentioned in this section may be made by the city at large, without special assessment; *Provided*, also, that the repairing of any street, alley, highway, public ground, bridge, sewer, drain, or the making of any other improvement, the cost of which is estimated not to exceed the sum of one hundred dollars (\$100), may be done by the common council of said city without special assessments therefor.

**SEC. 6. Poll Tax, Levy and Collection.** Every male inhabitant of said city between the ages of twenty-one (21) and fifty (50) years, excepting such as are exempt by law, who may reside within the limits of said city at any time between the first (1st) day of May and the first (1st) day of November of each year and has not worked out or paid poll tax in any other place, shall be liable to a capitation or poll tax, and it shall be lawful for the common council at any time to levy the same; but such poll tax shall not in any one year exceed two (2) day's work for each person liable therefor, which may be commuted by any person so taxed by payment to the street commissioner of the sum of one dollar and fifty cents (\$1.50) per day, and the street commissioner shall expend all moneys so received on the streets, alleys and highways, under the direction of the common council. The laws of this state shall apply to warning, working, suing for and enforcing the collection of such poll tax, except as herein otherwise expressly provided.

**SEC. 7 Money—How Paid Out.**—No moneys shall be paid out of the city treasury, unless such payment is authorized by a vote of the common council, and it shall be drawn out only upon orders drawn by the mayor and countersigned by the city clerk, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person, or to the bearer, as the common council may determine, and may be transferred by indorsement.

**SEC. 8. Bonds—How Voted on and Issued.**—The common council shall have power and authority to borrow money, issue bonds and levy

taxes, for the purpose of carrying out any of the provisions of this act, exceeding the amount authorized by other sections of this act; *Provided*, the same be authorized by a majority of the qualified voters, present and voting at a general or special election held for that purpose, of which notice shall have been given as at other elections. Whenever it shall be desired to submit to a vote the question of the issuing of any bonds, authorized by this section, the same may be done in such form and manner as the common council, by resolution, may prescribe.

SEC. 9. *Bonds—Objects and How Issued.*—All bonds issued in pursuance of the provisions of this act shall be under the corporate seal of said city, signed by the mayor and attested by the city clerk, and shall upon the face express the object for which they were given and shall not be negotiated for less than par value.

SEC. 10. *Taxes—How Levied.*—All taxes shall be levied by resolution of the common council, and no tax shall be invalid, by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall go into the general fund of the city.

SEC. 11. *Statement of Taxes Levied to County Auditor.*—The common council shall cause to be transmitted to the county auditor of Nicollet county, on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and also special assessments levied upon any of the lots or portions of the city, and such taxes and assessments shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid, and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over, when collected, to the clerk of said city.

SEC. 12. *Limitation of Levy—When not Limited.*—No limitation or restriction herein contained shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city. In case of failure to collect taxes or other costs, and such levy shall prove insufficient to pay such judgment, new taxes shall be levied until the whole of such judgment shall be paid. An excess of the amount so levied and collected over the payment of such judgment shall go into the current fund of the city.

## CHAPTER VI.

### STREETS, BRIDGES, PUBLIC GROUNDS AND SIDEWALKS.

SECTION 1. *Common Council to have Control.*—The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, levees, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from nuisance; and shall have power to build and keep in repair bridges, lay out, open, alter and vacate public squares, highways, streets, lanes and alleys, and extend, narrow, widen or straighten the same, and to procure grounds for any public building, and for planting trees upon or otherwise ornamenting the same; also to construct, lay, relay, erect clean and repair crosswalks, and sidewalks, area walls, gutters, sewers, private drains, and to abate any and all public nuisances within said city, subject to the assessment of damages provided for in this act.

**SEC. 2. *Proceedings for Improvement.***—Whenever a petition for the making of any improvement, mentioned in the preceding section, shall be presented to the common council of said city, purporting to be signed by owners of real estate in the vicinity of such proposed improvements, and which signers shall be owners of more than one-half ( $\frac{1}{2}$ ) in area of the real estate which may by said common council be deemed to be especially benefited by such improvements; or whenever, without such petition, two-thirds ( $\frac{2}{3}$ ) of all the aldermen elect shall vote in favor thereof, the common council shall, except in cases herein otherwise provided, refer the same to a committee, appointed by the common council from its own members, of whom one shall be from each ward, and designated and known as the “committee on streets,” or to some other committee as the common council may deem expedient. The said committee shall then proceed to investigate the subjects so referred, and may cause such surveys or plats to be made as they may deem necessary, and shall make report to the common council, and give an estimate of the expense of making such improvement, and of the proportion or amount which, in their opinion, may be properly assessed upon real estate as benefits derived from such improvements, and what proportion or amount should probably be assessed upon or borne by the city at large. They shall also report whether, in their opinion, the contemplated improvement is desired by the owners of the greater part in area of the property liable to be assessed therefor. If the said committee shall not approve of the making of such improvements, they shall, in their report to the common council, give the reason for their disapproval, and in such case the common council shall not order the prosecution or making of such improvements, except by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of said common council. After the report of said committee shall have been made to the common council, they may, in any respect, modify the plan of the contemplated improvements; *Provided*, that such modification shall not be such as to materially increase the expense or alter the general plan thereof, except upon a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elect. The common council may, for any reason, again, or as often as they may deem necessary, refer the subject of any contemplated improvement to said committee, to be acted upon by them anew, as above provided, or for any other or special purpose as they may deem proper.

**SEC. 3. *Report and Action Thereon—Contract.***—When the said committee shall have reported to the common council in relation to any proposed improvement involving the doing of any work or the furnishing of any material, the common council may direct the city clerk to advertise for proposals for doing such work or furnishing such materials, the plan and profile of the work to be done, accompanied with specifications for doing the same, in all cases where such plan, profile and specifications may be necessary for perfect description of the work to be done, being first placed on file in the office of the city clerk; which plans, profiles and specifications shall at all times be open for public inspection. The committee may, for the sake of convenience or accuracy, divide the proposed work and improvement into several divisions or sections, and indicate the same in their report to the common council, and in such case the plan, profile and specifications shall correspond, as near as may be, with and indicate such divisions or sections. Bids for doing any work or making

any improvement, as provided herein, shall name a gross sum for the whole work or improvement or some specified section or division thereof, and the contract when awarded shall be for the doing of the work or making the improvement, of some specified section, portion or division thereof, at a gross sum for the whole, or for such specified part thereof. Upon being directed to advertise for proposals, as above provided, the city clerk shall cause an advertisement to be published for at least two (2) weeks in the official paper of said city, stating briefly, in general terms, the nature of the work to be done; stating where the plan, profile and specifications may be examined and within what time bids for doing such work will be received. Such bids shall be directed to the common council of the city of Saint Peter, and shall each be accompanied by a bond to said city in a sum equal to thirty (30) per cent of the amount of the bid as liquidated damages, and signed by the bidder and two (2) responsible sureties, to the satisfaction of the common council; conditioned that the bidder shall execute the work for the price mentioned in his bid, and according to the plan and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof in any court having jurisdiction thereof; *Provided*, that the amount of the bond may, in the discretion of the common council, be fixed at any other sum or percentage than that hereinbefore prescribed, or none may be required. Said bids shall be opened by the common council at their next meeting after the time for receiving bids shall have expired, or at any other appointed regular or special meeting thereafter. Upon the opening of said bids, or at any time thereafter, the common council may award the doing of the work, or any part thereof, to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requirements, and who shall have sufficiently guaranteed, to the satisfaction of the common council, the faithful performance of said work. The common council may let such contract upon such conditions or provisions, not inconsistent with the provisions of this act, as they may deem proper. In case any person or persons with whom such contract may have been made shall fail or neglect to complete the same within the time and in the manner prescribed, the common council of said city may, at any time after such default, in its discretion and at its election, instead of causing action to be brought upon such bond for the recovery of the amount thereof, on account of such default, by a vote, declare such contract forfeited, and the city may then complete the work by contract or otherwise, and the cost of completing the same shall be considered as forfeited and as liquidated damages between such contractor and said city for such breach of contract, and shall be deducted and withheld from the contract price which such contractor was to have received for doing the whole of such work.

**SEC. 4. Condition of Contracts.**—Any contractor or person who enters into a contract for the doing of any work or making any improvement provided for in this act, shall take such contract with the condition that he, and the sureties upon his bond, shall be personally and directly responsible for any and all loss, damage or injury to person or property resulting from the neglect or failure of himself or anyone in his employ, and conditioned as [so] to perform such work as

to guard against all loss, damage and injury to person or property; and he shall so guard the said work by suitable guards by day and with lights at night as to prevent any such loss, damage or injury. The provisions of this section shall be regarded as forming part of any contract entered into by any person with the city.

SEC. 5. *Establishment and Change of Street Grades.*—The common council shall have power and may cause to be established from time to time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk in a book or books of profiles kept for that purpose; and whenever such grade aforesaid has once been established it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the common council elect.

SEC. 6. *Vacating Streets—Exclusive Power of Common Council.*—The common council of the city of Saint Peter shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the common council, except upon the petition of one or more residents and freeholders within said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of the petitioners. The common council shall thereupon, if they deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen elect, declare such public grounds, streets, alleys or highways vacated, which said order, after the same shall go into effect, shall be published, as in the case of ordinances, and thereupon a transcript of such order, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds, in the county of Nicollet.

SEC. 7. *Appeal—Vacating Streets.*—Any person feeling aggrieved by any such vacation or discontinuance may, within twenty (20) days after the publication thereof, by notice in writing served upon the mayor or city clerk of said city (a copy of which notice, with proof of service thereof, being filed in the office of the clerk of the district court of the county of Nicollet), appeal to said court from such vacation or discontinuance, and such appeal shall be tried in said court as other cases are tried therein, and the judgment of said court shall be final.

It shall be the duty of the city clerk, as soon as any such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

SEC. 8. *Power to Open New Streets and Assess Damages.*—The common council may, by a vote of two thirds ( $\frac{2}{3}$ ) of all the members of the common council, lay out or open any new street, alley or public ground, or straighten, widen or extend any street or alley, that now or hereafter may exist, and when such vote is entered and approved, and it shall become necessary to take, injure or interfere with private property, the same shall be referred to a board of commissioners, appointed by the common council, for assessment of benefits and damages caused thereby, as provided for by this act, and when that is determined and confirmed, the final order for the purposes named shall be entered by the common council. Said board of commissioners shall be appointed by the common council in the following manner: Upon ordering an improvement above mentioned to be made, the common council shall appoint as many commissioners as there may be wards of said city, selecting one (1) from each ward, and one (1) other from the city at large, all of whom shall be disinterested freeholders and qualified voters of said city, to view the premises and assess the damages or benefits which may be occasioned by the taking of private property, or otherwise, in making said improvement. Said commissioners shall be notified, as soon as practicable, by the city clerk of said city, to attend at his office, at the time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty (50) dollars, and shall be liable to be prosecuted therefor before a city justice of said city, as in the case of fines imposed for a violation of an ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, selecting from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy in said board of commissioners the common council shall fill the same. The city clerk shall act as clerk for such board of commissioners, and the salary of said board of commissioners shall be three (3) dollars for each day in attendance.

The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and they shall make [due] returns of their actions and doings to the common council, and proceed, in a manner hereinafter prescribed, to ascertain and assess the damages to the owners of such land for such appropriation or condemnation, and to assess upon the real estate, by them determined to be especially benefited by the making of such improvement, such damages and the cost of making such improvements to the extent of the special benefits deemed to be derived by such real estate therefrom.

SEC. 9. *Damages—How Assessed.*—The said board of commissioners in making such assessment of damages shall determine and appraise to the owner or owners the value of the real estate appropriated for

the improvement, and the injury to them respectively arising from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowances therefrom for any benefits which such owners may respectively derive from such improvement. If the damages to any person be greater than the benefits received, or if the benefit is greater than the damage, and in any case when both damages and benefits are to be assessed, the said board of commissioners shall strike a balance and carry forward the difference, so that the assessment may show what amount is to be received or paid by such owners respectively, and only such difference shall in any case be collected from or paid to them as the case may be.

SEC. 10. *Buildings may be Removed.*—If there should be any building standing in whole or in part upon the land to be taken, the said board of commissioners shall add to their estimate for damages for the land, also the damages for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to be removed, or of the part thereof necessary to be taken, shall also be determined by the said board of commissioners, and notice of such determination shall be given to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known or is a non-resident of the city, notice to all persons interested shall be given by publication for two weeks in the official paper of the city. Such owner may, at any time within twenty (20) days after service or the first publication of such notice, notify the board of commissioners in writing of his election to take such building or part of building at their appraisal, and in such case the amount of such appraisement shall be deducted by the board of commissioners from the estimated damages for the land and building, where they belong to the owner, and from the estimated damages for the building, where they belong to different owners, and the owner shall have such reasonable time for the removal of the building, after the confirmation of the assessment, as the board of commissioners may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, then no such deduction shall be made from the estimated damages aforesaid; and after the confirmation of such assessment of damages for the taking of such property, and after provision shall have been made for the payment of the same, as hereinafter provided, such building, or so much thereof as may be necessary, may then be taken and appropriated, sold or disposed of in such manner as the common council shall direct, and the same, or the proceeds thereof, shall belong to the city.

SEC. 11. *Property Benefited and Damaged*—Whenever the contract for doing any work or making any improvement, as herein provided, shall have been made or awarded by said common council, or when the damage to be paid for the appropriation or condemnation of any property, in pursuance of the provisions of this act, shall have been ascertained and determined by the board of commissioners and confirmed by the common council, or in case an appeal shall be taken, as provided in this act, when such damages shall have been determined by the judgment of the court, the said board of commissioners shall thereupon proceed to assess, in the manner hereinafter provided, upon the real property by them deemed to be specially benefited by doing



the work or making the improvement, in proportion as nearly as may be to the benefits resulting therefrom, the amount for which any such contract may have been awarded or let or the amount of damages so ascertained and determined, as the case may be, to the extent of the special benefit deemed to be derived by such real estate therefrom. The balance of the amount for which such contract may have been awarded or let, or of the damage for taking any property so ascertained and determined, shall be chargeable upon and paid by the city at large.

**SEC. 12. *Notice — How Given.***—Before proceeding to make such assessment of benefits to be derived from any improvement or of damages for the taking of any property, as hereinbefore provided, said board of commissioners shall cause notice to be given by publication in the official paper of said city for at least two weeks, of the time and place for their meeting for the purpose of making such assessment, which notice shall specify in general terms the object of such assessments; *Provided*, that in case any such improvement consists in or includes the taking or appropriating of any land or property, written or printed notice of the meeting of such board of commissioners, for the purpose of determining the damages to be awarded to the owner of such property for such taking, shall be served at least one (1) week before such meeting, by the chief of police or any police officer of said city, upon the person whose property is to be condemned. If such person is known and is a resident of said city such notices shall be served by delivering the same to the person to be served personally or by leaving the same at the usual place of abode of such person with some person of suitable age and discretion therein residing. If the owner of such property is unknown, or is a non-resident of said city, or is absent therefrom and has no place of residence therein where service can be made in the manner above provided, of which facts the return of the chief of police or any police officer of said city shall be conclusive evidence, notice of such meeting shall be published, as hereinbefore in this section provided. All persons interested in any such assessment shall have the right to be present and be heard either in person or by attorney. The board of commissioners shall visit the locality of the contemplated improvement, and shall receive any legal evidence that may be offered relative to the matters to be determined by them, and are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the city attorney or the common council to appear before them at such hearing, to represent the interests of the city.

They may adjourn from time to time, and from place to place, until such assessment shall be completed. The action or determination of the majority of said members of the board of commissioners shall be binding, as the act of said board.

**SEC. 13. *Completion of Assessment and Confirmation.***—When such assessment of damages or of benefits shall have been completed, the board of commissioners shall cause the same to be entered in a book to be kept for that purpose by the clerk of said board. After the same is so entered, said board shall cause notice to be given, by at least one week's publication in the official paper of said city that such assessment has been completed and entered as aforesaid, and that at the time specified in such notice, application will be made to the common council for a confirmation of the same. Objections to said

assessment may be heard before the common council at such time; *Provided*, that all such objections shall be in writing, and shall be filed in the office of the city clerk at least one day prior to such meeting of the common council. Should no quorum be present at such appointed meeting of the common council, such meeting for confirmation may be adjourned by the members of said common council present to such other time as they may deem expedient; and at such adjourned time, without further notice or publication, the common council may act in reference to such assessment in the same manner and with the same authority as they might have done at the meeting appointed for that purpose had a quorum been present; *Provided*, that nothing herein contained shall preclude the said board of commissioners from causing a new notice of application for confirmation to be given by publication in the manner above provided, in case any previous notice shall be found irregular or invalid, or in case of there being no quorum present at any prior appointed meeting, or for any other cause preventing a regular and valid action by the common council in relation to such assessments; and the common council shall have power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the assessment, and to confirm the same in whole or in part and to annul the same in whole or in part and to direct a new assessment to be made. Said assessment, when confirmed by the common council, or the same as corrected by said common council, without further action thereon by the board of commissioners or former confirmation by the common council, shall be final and conclusive upon all parties interested therein, except as hereinafter otherwise provided. If said assessment shall be annulled by the common council, or set aside by any court in whole or in part, the board of commissioners shall proceed to make a new assessment in place of so much of the former assessment as may have been annulled or set aside, and return the same in like manner and give like notices as hereinbefore provided, and all parties in interest shall have the like rights, and the common council shall perform the like duties and have like powers in relation to any subsequent assessment or determination as are hereby given in relation to the first.

SEC. 14. *Appeal—How Taken.*—Any person whose property has been appropriated, and who has filed objections to the assessment of damages therefor, as hereinbefore provided, shall have the right, at any time within ten days after the confirmation of such assessment, to appeal to the district court of the county of Nicollet from such confirmation of such assessment. Said appeal shall be made by filing a written notice with the city clerk, containing a description of the property of such appellant so appropriated, and the objection of such appellant to such assessment, and by filing with the clerk of said court a bond to the city of Saint Peter, conditioned to pay all costs which may be awarded against the appellant, which bond shall be in such sum and with such surety as shall be approved by the judge of said court, or in case of his inability to act, by the judge of any court of record in this state. A copy of such notice of appeal, with the date of filing the same, certified by the city clerk, shall also be filed with the clerk of said court within the time above limited for perfecting such appeal. A copy of the record of such assessment as confirmed as provided in section thirteen (13) of this chapter, and of the objec-

tions as aforesaid made to the confirmation thereof, certified by the city clerk at the expense of the appellant, shall be filed with the clerk of said court at the time of taking such appeal. Such appeal shall be entitled in said court in the name of the person taking the same against the city of Saint Peter as an appeal from an assessment.

SEC. 15. *Issue and How Tried.*—Such cause shall then be deemed to be at issue and be tried in the district court as all other civil causes therein, except no pleading shall be required, and on the trial the only question to be passed upon shall be whether the assessment of damages, so far as it effects said property, is fair and impartial. And if found not to be fair and impartial, damages for the taking of the property specified in the objections shall be reassessed by the court or jury, but such reassessment shall be, so far as practicable, in accordance with the same rules and principles herein prescribed, in reference to the assessment by the board of commissioners. Judgment shall thereupon be entered to the effect, that upon the amount of damages so determined being paid or secured in accordance with the provisions of this act, the city shall have the right to take, use and appropriate the property in question for the purposes for which the same was sought to be taken, and if the court shall be of the opinion that such appeal was frivolous or vexatious it may adjudge costs against said appellant in a sum not exceeding twenty-five (25) dollars in addition to all taxable costs.

SEC. 16. *Assessment Confirmed—Proceedings Thereafter.*—When such assessment shall have been confirmed by the common council and no appeal has been taken, or if an appeal shall have been taken, when judgment shall have been rendered therein, the same shall be a lawful and sufficient condemnation of the land or property to be appropriated, and whenever there shall have been appropriated by the common council from money actually in the hands of the treasurer of said city, the amount of damages assessed for the taking of the same and orders upon the treasurer for such amounts in favor of the person entitled thereto shall have been drawn, signed and delivered or tendered to the persons entitled to such damages, or whenever, instead of such delivery or tender, such orders shall have been deposited with the city clerk for the use of such persons, to be delivered to them upon demand, then the said city may enter upon and appropriate such property to the uses for which the same was condemned. Whenever in any case the city shall be unable to determine to whom the damages awarded should be paid, or in case of disputed claims in relation thereto, the amount thereof may be deposited by order of the common council in the district court for Nicollet county, in the same manner as moneys are paid into court, until claimants and parties shall substantiate their claims thereto, and such payment into court shall be deemed a payment of the same to the person or persons entitled thereto, and the city shall be thereafter discharged from all further liability in respect thereto, and may enter upon and appropriate the property for the taking of which such damages were assessed.

SEC. 17. *Liabilities for Obstructions and Excavations in Streets.*—All persons who shall, by means of any excavations in or obstructions upon any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruc-

tion as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence. .

SEC. 18. *Service Upon Absent Defendants.*—Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

SEC. 19. *Limitation of Actions.*—No action shall be maintained against the city of Saint Peter on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one (1) year from the date of the injury, nor unless notice shall first have been given in writing to the mayor of said city or the city clerk thereof within sixty (60) days after the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason or legally incapable of giving such notice. Nor shall any such action be maintained for any defect in any street until the same shall have been opened for travel and work done thereon, nor for any insufficiency of the ground where sidewalks are usually, but not yet, constructed.

SEC. 20. *Cleaning Streets, etc.—How.*—The common council shall have the power to designate districts or portions of streets, highways and alleys of said city for the purpose of cleaning the same, and may provide for the cleansing of such districts, by contract or otherwise, on such terms as shall be deemed advisable.

SEC. 21. *No Liability for Insufficiency of Streets—When.*—The acceptance of plats of additions of any grounds, or subdivisions thereof, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated nor responsible for any insufficiency of such street, until the common council shall direct the same to be opened for travel.

SEC. 22. *Plat of street, etc., Filed with Register of Deeds.*—Whenever any highway, street, alley or public ground is laid out, widened, narrowed or enlarged, or when any of the same are vacated or discontinued under the provisions of this act, the common council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds for Nicollet county.

SEC. 23. *Railroad Companies not to Obstruct Streets.*—No railway company or street railway company shall have any right, in clearing their tracks through any part of said city or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of such obstruction caused by such company or its servants for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover such damages and costs from the company by whom the obstruction was caused.

**SEC. 24. Sidewalks—How Built.**—It is hereby made the duty of all owners of land adjoining any highway, street, lane or alley in said city, to construct such sidewalks along the side of the street, lane, alley or highway, next to and adjoining the lands of such owner respectively, as may have been heretofore or as shall hereafter be directed by the common council to be built, in such manner and of such material and width and upon such place and grade as the common council by ordinance or otherwise may prescribe.

**SEC. 25. Sidewalks—How Maintained.**—All owners of real estate in front of, adjacent to or upon which the common council shall order or direct any sidewalk to be constructed, relaid or repaired, shall construct, relay or repair such sidewalk at their own cost and charge, in a manner and within the time prescribed by said common council in a notice served as hereinafter provided. Whenever said common council shall order any such work to be done and shall, by ordinance or otherwise, prescribe the manner of constructing such work, or shall have before done so, they shall cause a notice to be given by personal service upon the owner of such real estate, or by leaving the same at his usual place of abode with some person of suitable age and discretion, or by publishing the same once in the official paper of said city. Such notice shall state the character of the work and the manner in which it is to be done, and the time within which the same shall be completed, which statement may be made in terms in said notice or by reference to any ordinance or resolution of said common council then or previously published. Such notice shall state upon what lot or tract of land, or in front of or adjacent to what lot or tract, the said work is to be done, and the name of the owner or occupant of such land need not be given or stated therein. If the work be not done in the manner and within the time so prescribed by the common council, the said common council may proceed to do the work by contract or otherwise. They shall cause advertisements for proposals for doing such work to be made, as provided in section three (3) of chapter six (6) of this act, but no plan, profile or specification of such work need be made or filed as is therein provided, but the terms upon which the work is to be done, the manner of doing the same, and any necessary particulars or specifications, may be stated in said advertisement in terms or by reference to any ordinance, resolution or notice of the common council then or previously published, designating the same by its title and date, or the date of publication or of the approval thereof by the mayor or acting mayor of said city; *Provided*, that bids for constructing sidewalks and contracts made thereon, may state the price for doing any work at a gross sum for any lot or tract of land, or part thereof, adjacent to or upon which the same is to be done, or it may be at a certain sum per lineal foot or other unit of measurement.

**SEC. 26. Repair of Sidewalks.**—If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the common council the cost of such repairs in each case, and the description of the lot or parcel of land abutting where such repairs are made, and such report shall be carefully filed and preserved by the city clerk, and the common council shall, once in each year, at, or as near as conveniently may be, the time of levying

the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been [so] repaired by the street commissioner and the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided for in this act.

SEC. 27. *Liability for Insufficient Sidewalk.*—It shall not only be the duty of all owners of land within said city to keep in good order and repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist, along or abutting upon their respective lots and parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe and passable condition.

SEC. 28. *Notices May be Consolidated.*—Two or more of the notices required or authorized by this act to be given by the board of commissioners, the city clerk, or the common council, by publishing or otherwise, in pursuance of the provisions of this act, may be comprised in one; *Provided*, that such notices are of the same general character or for like objects, and that in other respects the notice shall sufficiently set forth the objects and purposes of said notices; and the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city.

SEC. 29. *Change in Officers.*—Any change made in the incumbent of any of the offices of said city, during the pendency of any proceedings under this act, shall not affect or delay the same, but the successors of such officers may be authorized to do all acts necessary to complete such proceedings, the same as if their predecessors had remained in office, and any proceeding may be completed or act done in pursuance of the provisions of this act, by any officer after the expiration of his term of office, with the same validity as if he had continued in such office.

SEC. 30. *Change in Official Paper.*—Any change made in the official paper of said city during the pendency of any publication of any notice or proceeding under this act or the substitution of any other paper as the official paper of said city shall not invalidate any publication or proceeding, but the same may be completed in all respects as though no such change or substitution had been made.

SEC. 31. *Owner's Name not Essential.*—In none of the notices, orders, warrants or records of the proceedings prescribed by this act relating to assessments of benefits for improvements made need the name of the owner of the land upon which such assessments are made be given, and no error or irregularity in any notice, order, assessment or proceeding of any kind had in pursuance of the provisions of this act, or any omission of the requirements thereof, shall invalidate the proceedings or cause the same to be held illegal, unless it shall be made to appear affirmatively that such error, irregularity or omission actually prejudiced the right and affected the interest of the parties interested therein.

SEC. 32. *Effects of Mistakes.*—No error, irregularity, or invalidity in respect to any assessment upon any one or more of several lots or tracts of lands or of the proceedings in relation thereto, shall invalidate or make illegal the proceedings or assessments in respect to any other lands than those to which such irregularity or error was made

No extension of the time for the doing of any work contracted for or any other change in respect to such contract not materially affecting the property rights of the person complaining of or pleading such change shall invalidate any proceeding or assessment had or made under this act.

SEC. 33. *Effect of Stay in Proceedings.*—No suspension or stay of proceedings in respect to any assessment upon or proceedings for the condemnation of any particular property, shall stay or suspend any proceedings under this act in respect to any other property; nor shall the annulling or setting aside of any such assessment or proceeding, in respect to any particular tract or tracts of land, invalidate or in any manner affect assessments upon or any proceedings in respect to any other tracts.

SEC. 34. *Delay in Proceedings—How Avoided.*—Whenever it shall be deemed necessary to take private property for public use without the delay incident to the proceedings therefor in this act prescribed, the same may be done upon there having been first executed and deposited with the clerk of the district court for Nicollet county the bond of the city of Saint Peter to the owner or owners of such property, to be approved by the judge of said court, and in such sum as he may prescribe, conditioned that the city will pay all damages that shall be awarded for the taking of such property and all costs that may be adjudged to such owner or owners in any court having jurisdiction in the property [premises]; *Provided*, that proceedings shall be taken forthwith in pursuance of the provisions of this act to determine the amount of damages to which such owner or owners may be entitled for such taking. The city may thereupon enter upon and use the property in the same manner as they might if the damages for the taking had been already ascertained and paid or secured to be paid.

## CHAPTER VII.

### WATER WORKS, SEWERS, LIGHTING OF STREETS.

SECTION 1. *Construction of Water Works, etc.*—The common council shall have the power to construct and maintain water works and sewers; to enlarge, extend, relay and improve the same, from time to time, as it shall consider the public good or necessities may require; and the common council may extend and lay water mains and pipes in any street, alley, highway or public ground within the limits of said city, or permit and empower private parties so to do under such restrictions and regulations as the common council may impose.

SEC. 2. *Private Property—How Acquired.*—Whenever in the construction, establishment, enlargement or extension of water works or sewers, it shall, in the judgment of the common council, be necessary to take any private property, consisting of lands, buildings, or other private property, the common council shall have the power to take and acquire the same, by purchase or condemnation, in the manner provided for in chapter six (6) of this act, and in cases of condemnation a full title in fee simple to the property acquired shall vest in the city.

SEC. 3. *Laying, Extension and Assessment of Water Mains.*—Whenever a petition for the laying of water mains is presented to the com-

mon council, which signers shall be owners of two-thirds ( $\frac{2}{3}$ ) of the real estate fronting such proposed water main, the said common council shall order the same to be laid, and shall have the power to levy and collect, by special assessment, such portion of the cost or expense thereof as shall not exceed fifty (50) per cent of the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves, and all necessary specials, by special assessment upon the property on both sides of such street, alley or lane fronting upon such improvement, of an equal sum per front foot, without regard to the valuation of such property, as provided in chapter five (5) of this act; *Provided*, that no assessment shall be made when pipes are laid for fire protection; *Provided further*, that the common council shall have the power to lay and extend water mains at any time without a petition, but in such case all expenses thereof must be borne by the city at large.

SEC. 4. *Laying, Extension and Assessment of Sewers.*—The common council may, whenever they shall deem it necessary, relay or extend any sewer through any street or alley, and levy and assess and collect the cost thereof, not exceeding the estimated cost of a sewer two (2) feet in diameter, including all necessary catch basins, manholes, dump holes and flushing valves, by a special assessment upon the property on both sides of the street abutting upon such improvements of an equal sum per front foot.

A sewer of two (2) feet in diameter is hereby declared to be an ordinary sewer, within the meaning of this act, for draining of abutting property.

SEC. 5. *Cost not Provided for—How Paid.*—The cost not provided for by such assessment, including the cost of large water mains and larger or main sewers, and constructing the same across streets, shall be paid out of the improvement fund, or any other fund provided for that purpose by the common council.

SEC. 6. *Common Council to be in Control.*—The common council may, at all times, regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from the main lines of water mains and sewers, and of making connections with main lines [and branch lines], both public and private. The common council may, whenever it shall deem it necessary to lay or construct branch pipes or sewers, in order in future to prevent tearing up of streets, or for any other reason, determine in the case of each main line or of any specified portion of a main line, the location, manner and construction of such branch lines, providing, in its discretion, one (1) or more for each lot or parcel of land, or one (1) for two (2) or more adjoining lots or parcels of land; may require the proper officer to make surveys, plats and profiles showing the same, which, approved and adopted, shall hereafter be preserved in the office of the city clerk; and may, thereupon, whether such main line has been constructed or is in process of construction, forthwith lay and construct all such branch pipe and sewers not already constructed by private parties interested, from a connection with the main line to the line of the street; and whenever the common council constructs such branch pipes and sewers, it shall assess the whole cost of each upon the lot or parcel of land to which it runs, regardless of valuation or frontage. But in case one (1) branch is to serve two (2) or more lots or parcels of land, then it shall assess the whole cost of the same upon all the lots or parcels of land to be served, at an equal sum



per front foot, without regard to the value thereof. The common council may, in case it constructs any branch at the same time that it constructs a main line, assess, in the manner above indicated, the whole cost thereof, and add the same to and include it with the assessment for the main line.

The common council may, subject to such terms and under such regulations as it may prescribe, require of all persons using an area, or any space within the lines of any street to be laid within such area, the right to lay all necessary branch pipes for both water and gas and back sewers to a connection with other branches; and also to lay therein, inclosed in tubes, or otherwise sufficiently protected, any and all electric light wires at any time required to be laid beneath the surface of the street; and no permit for excavation or use of any area or space within the lines of a street shall be given, except upon condition that it may be used by others in the manner and for the purposes above named.

**SEC. 7. *Rates to be Fixed by Ordinance.***—It shall be the duty of the common council from time to time to fix, by ordinance, rates for the use of water from the city water works, and provide for the collection of the same, and also to provide for the protection of such water works from injury or misuse or abuse.

The owner of private property, which property has upon it pipes connected with the city water works, to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the city of Saint Peter for rents or rates of all water used upon such premises, which may be recovered by action against such owner, lessee, or occupant or agent, any or all of them.

**SEC. 8. *Street Lighting.***—The common council shall have authority to contract with any persons or corporations for lighting such streets or parts of streets and public places, as they shall deem proper for the convenience and safety of the inhabitants, by electric lights, gas or otherwise, as the common council shall deem best.

**SEC. 9. *Gas Pipes—How Laid.***—The common council shall have authority to permit the laying of gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

**SEC. 10. *Franchises—How Granted.***—The common council of the city of Saint Peter shall not grant any franchise or franchises to any individuals, company or corporation, for putting in or operating any plants, gas works, electric lights, street railways or other public improvements, except by unanimous consent of all aldermen, or by first submitting such matters or propositions to the legal voters of and within the city of Saint Peter, which said propositions or measures relating to franchises shall be voted upon at a special election, called for such purpose or purposes, and carried by a majority of all the votes cast at such election.

## CHAPTER VIII.

## FIRE DEPARTMENT.

SECTION 1. *Power to Establish Fire Limits.*—The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as not fire proof, or as dangerous to surrounding property, shall not hereafter be erected, enlarged, placed, or repaired; and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such a manner and of such materials as in the judgment of the common council shall not be dangerous to surrounding property, and to prohibit the repairing and enlarging or rebuilding of wooden buildings within the fire limits, without its consent, when the same shall have been damaged by fire, or otherwise, to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. Any building hereafter erected, enlarged, rebuilt, placed or repaired, in violation of the provisions of any ordinance, passed pursuant to this act, is hereby declared and shall be deemed a public nuisance, and the common council, in addition to other penalties, may provide for the abatement of such nuisance.

SEC. 2. *Powers of Common Council to Prevent Fires.*—The common council shall have the power, by resolution, to order any building, structure or materials therefor, hereafter erected or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have the power to prescribe the notice to be given to the owner, occupant or agent to remove such building, and in case the same is not removed in pursuance of notice given, to order the same taken down or removed by the police, in such manner as the common council may deem proper. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by a city justice upon the complaint of any citizen.

SEC. 3. *Further Powers to Prevent Fires.*—The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the throwing of ashes into streets and alleys; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of firearms and fireworks; to compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same; to authorize the mayor, aldermen, fire wardens, or other officers of the city, to keep away all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

**SEC. 4. *Wooden Sidewalks May be Prohibited.***—The common council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, and to prescribe other material to be used therefor, whenever they deem the safety of the city to require it.

**SEC. 5. *Fire Apparatus and Companies.***—The common council shall have power to purchase fire engines and all other apparatus and material which may be necessary or required for the extinguishment of fires, to erect and maintain fire alarm telegraphs and boxes, to authorize the formation of fire, engine, hook, ladder and hose companies, and to provide for the proper support, compensation and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of such company which may be authorized to be formed, shall be exempt from poll tax and from serving on juries during their continuance of such membership, and said companies shall elect their own officers and make their own laws; subject, however, to the approval of the common council.

**SEC. 6. *Chief Engineer and Other Officers.***—The common council shall have the power to appoint a chief engineer of the fire department to take charge of the same, and provide by ordinance for such other officers and men as may be deemed necessary for such department; to define their respective duties and compensation, and make all needful orders and regulations for the government of the whole fire department.

**SEC. 7. *Penalty for Refusing to Obey Orders at Fires.***—Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally any police officer to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers may arrest, or direct the arrest and confinement, of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey shall, upon conviction before a city justice, be punished by a fine not exceeding fifty (50) dollars and costs of prosecution and be imprisoned until such fine and costs are paid, not exceeding sixty (60) days.

**SEC. 8. *Fire Marshal and Fire Wardens.***—The common council shall have power to appoint a fire marshal of said city, and one fire warden for each ward, to see that the ordinances of the city relating to precaution against dangers from fire are not violated, and who shall have power, and are hereby authorized, to enter any dwelling house or other building, at all reasonable hours, between nine (9) o'clock in the morning and five (5) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city, respecting the same, are enforced. The common council may require the fire marshal to examine particularly into the cause of every fire which shall happen within the city and make report thereof, as the common council may require.

## CHAPTER IX.

## SCHOOL DISTRICT AND SCHOOLS.

**SECTION 1. *Reorganization.***—That the school district, organized March twenty-fourth (24th), one thousand eight hundred and sixty-five (1865), under and by virtue of an act of the legislature of the state of Minnesota, entitled "An act for the organization and regulation of independent school districts," approved March third (3d), one thousand eight hundred and sixty-five (1865), under the name of "Independent School District Number One (1) of Oshawa township, Nicollet county, Minnesota," and now known as "Independent School District Number One (1), Saint Peter, Minnesota," be and the same is hereby reorganized as follows, and to include the territory only which is described in this chapter:

**SEC. 2. *School District.***—That the territory constituting the city of Saint Peter, in the county of Nicollet and state of Minnesota, be and the same is hereby created into an independent school district, known and designated as "Independent School District Number One (1);" and shall hereafter constitute one independent school district and body corporate, and said district shall be governed in all respects, and for all purposes, by the general laws of this state relating to independent school districts; *Provided*, they do not conflict with the provisions of this act, in relation to the district herein and hereby reorganized.

**SEC. 3. *Board of Education—Term of Office.***—The board of education, as at present constituted in said district, shall hold their offices for the term for which they were elected, in the school district herein and hereby reorganized, and their successor shall be elected or appointed under the laws of this state relating to independent school districts.

**SEC. 4. *Board to Levy Taxes.***—The board of education of said school district shall possess all the powers of boards of directors in independent school districts, under the general school laws of this state, and shall have power to levy taxes on all taxable property in said city in each year, sufficient, with the amount received from other sources, to maintain necessary schools in said district nine months in each year, including the amount required for fuel and repairs of school buildings; *Provided*, that said board shall not levy a tax of more than fifteen (15) mills on the dollar of the valuation of said property in any one (1) year, except by and with the consent and approval of the common council of said city; and such taxes shall be levied and collected as other taxes are or may be levied and collected in said city.

**SEC. 5. *Taxes and Bonds for Improvements.***—For the purpose of purchasing necessary grounds, improving and ornamenting the same, and erecting school houses thereon, the board of education shall have power, by and with the assent and approval of the common council of said city, to levy taxes on all the taxable property in said city, not exceeding in any one year ten (10) mills on the dollar of the assessed valuation thereof, and may, for like purposes and with like assent and approval of said common council, issue the bonds of said district, payable not more than twenty (20) years after date thereof, with interest not exceeding eight (8) per cent per annum, payable annually; *Provided*, that not more than fifteen thousand (15,000) dollars of such bonds shall be outstanding and unpaid at any one time.

**SEC. 6. *Conflicting Laws Repealed.***—All acts and parts of acts, conflicting or inconsistent with the provisions of this act, so far as they relate to the school district herein named, are hereby repealed.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

**SECTION 1. *Commencement of Fiscal Year.***—The fiscal year shall commence on the first (1st) day of April in each year.

**SEC. 2. *Reconsideration of Vote.***—No vote or action of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such meeting there shall be present as many aldermen as were present when the vote or action upon such measure was taken and carried.

**SEC. 3. *Penalty in Favor of City—How Remitted.***—No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds (2/3) of all the aldermen; but nothing contained in this section shall be construed to prohibit any city justice from remitting or reducing any fine imposed by him, nor to prohibit said court from suspending execution of sentence, in its discretion.

**SEC. 4. *Inhabitants not Incompetent as Jurors, etc.***—No person shall be incompetent to serve as judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

**SEC. 5. *Action to be Taken in Name of City.***—All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

**SEC. 6. *Prosecutions—How Instituted.***—In all prosecutions for any violation of this act, or any by-law or ordinance of the city of Saint Peter, first process shall be by warrant, on complaint being made; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance or by-law of the city of Saint Peter, but the person or persons so arrested may be proceeded against, tried, convicted, and punished or discharged, in the same manner as if the arrest had been made by warrant. All warrants, process or writs, issued by a city justice, for the violation of any ordinance or by-law of said city, may be directed to the chief of police, or any police officer of said city, but may be served by any person authorized by law to serve process in the county.

**SEC. 7. *Imprisonment—When Allowed.***—In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the city of Saint Peter, as a punishment for any offense, or for the violation of an ordinance or by-law as aforesaid, or for any assault, battery or affray, committed within the limits of said city, the offenders shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of the county, and be there imprisoned, and may be compelled to perform hard labor, as hereinbefore provided for, under the

direction of the city marshal, for the benefit of the city, not exceeding ninety (90) days, in the discretion of the city justice, unless such fine or penalty be sooner paid or satisfied; and from the time of the arrest of any person or persons, for any offense whatever, until the time of trial, the person or persons so arrested may be admitted to or be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county.

SEC. 8. *Process—How Served Against City.*—All process and notices whatever, to be served upon the city of Saint Peter, shall be served upon the mayor, or in his absence, upon the president of the common council, and in the absence of both of these officers, upon the city clerk, or by leaving a certified copy thereof at the office of said clerk with some person of suitable age and discretion in charge thereof.

SEC. 9. *Charter not Repealed by State Law.*—No law of this state contravening or conflicting with the provisions of this act, shall be considered as repealing, amending or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 10. *City not Liable for Board of Prisoners in State Cases.*—The city of Saint Peter shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of the city or any magistrate to the jail of Nicollet county for any offense against the laws of this state.

SEC. 11. *Charter to be Public Law.*—This act is hereby declared to be a public act, and may be read in evidence in all courts of this state, and need not be pleaded or proven.

SEC. 12. *Ordinances to Remain in Force.*—All ordinances, by-laws, rules, regulations and resolutions heretofore made and established by the common council of the city of Saint Peter shall be and remain in full force and effect until the same shall have been altered, modified or repealed by the common council of said city, pursuant to the provisions of this act.

SEC. 13. *Repealing Clause.*—All acts and parts of acts heretofore passed for the incorporation of the city of Saint Peter, and amendatory thereof, not contained or incorporated herein, and all acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 14. *Compilation of Charter and Ordinances.*—The common council may, from time to time, provide for the compilation and publication of the charter and ordinances of the city, and such resolutions and other matter as may be designated by said common council.

SEC. 15. *Act to Take Effect.*—This act shall take effect and be in force from and after its passage.

Approved March 6, 1891.

## CHAPTER 6.

[H. F. No. 722]

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL; THE SAME BEING AN ACT ENTITLED "AN ACT ENTITLED AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE ACT, AND TO AMEND THE SAME," WHICH ACT WAS APPROVED MARCH FIFTH (5th), EIGHTEEN HUNDRED AND SEVENTY-FOUR (1874), AND THE ACTS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of chapter four (4) of Chapter one (1) of the Special Laws of this state, for the year eighteen hundred and seventy-four (1874), is hereby amended so as to read as follows:

Section 1. On and after the eleventh (11th) day of May, A. D. eighteen hundred and ninety-one (1891), the legislative authority of the city of St. Paul shall consist of the assembly and a board of aldermen, which shall meet separately, save as herein provided, for the transaction of business, at the court house or city hall of said city, and each of said bodies shall meet at such times as it may determine by resolution. Said two (2) bodies shall be known as the common council of the city of St. Paul.

Said assembly shall be composed of nine (9) members. The members of the assembly shall be elected at large from the body of electors of said city, and four (4) of same shall reside east of Wabasha and Rice streets and north of the Mississippi river, and four (4) shall reside west of Wabasha and Rice streets and north of the Mississippi river, and one (1) shall reside in the Sixth (6th) ward of said city.

The board of aldermen shall be composed of as many members as there are wards in said city, one (1) alderman to be elected from the electors of each ward, separately and respectively, of said city.

Each of said bodies shall be the judge of the election returns and eligibility of its own members and a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of the absent members under such terms and under such penalty as it may provide. Each body may determine the rules of its proceedings, not inconsistent with the laws of this state and this act, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds ( $\frac{2}{3}$ ), expel a member. Each body shall elect its own presiding officer from its own members and shall keep a journal of its proceedings, and the yeas and nays, when taken on any question, shall be entered on such journal. The city clerk

of said city shall be the clerk of each of said bodies, and whenever a city clerk of said city is to be elected or appointed, said two (2) bodies shall act in joint session in making such appointment or election, and the present city clerk of said city shall be the clerk of each of said bodies until his present term of office expires and his successor is elected and qualified.

No member of either of said bodies shall hold any other office under the city government of said city. Any bill, resolutions or ordinances for legislative action may originate in either of said bodies, and no resolution, order or ordinance shall be valid or operative to bind the city of St. Paul until it shall have passed each of said bodies.

Every order, resolution or ordinance which shall pass said assembly and board of aldermen in conformity to the rules of each of said bodies and the joint rules of the two (2) bodies (said bodies are authorized to make joint rules), shall, before it becomes operative, be presented to the mayor of said city for his approval or rejection. If he approves thereof, he shall sign and deposit same in the office of the city clerk of said city for preservation, and notify the body where it originated of the facts; but if not approved, he shall return it with his objections to the body in which it originated, and such objections shall thereupon be entered at large upon the journal of that body, and said body shall then proceed to reconsider the same. If after such reconsideration two-thirds ( $\frac{2}{3}$ ) of said body shall agree to pass the same, it shall be sent, together with the objections of said mayor, to the other body, by which it shall likewise be reconsidered, and if it be approved and passed by two-thirds ( $\frac{2}{3}$ ) of that body, it shall become operative notwithstanding the objections of said mayor; but in all such cases the votes of each body shall be determined by yeas and nays, and the names of the persons voting for or against said matter shall be entered on the journals of each body, respectively. If any such order, resolution or ordinance shall not be returned by said mayor with his signature to said clerk's office within five (5) days after it shall have been presented to him, or shall not be returned to the body in which it originated, as aforesaid, or to said clerk, with the objections of said mayor for said body, the same shall become operative in like manner as if he (said mayor) had signed and approved the same.

The style of all ordinances shall be: "The common council of the city of St. Paul do ordain, etc."

At the general municipal election in eighteen hundred and ninety-two (1892), for officers for said city of St. Paul, and at each general municipal election held each successive two (2) years thereafter, there shall be elected one (1) alderman from the electors of each ward of said city, and the persons so elected shall be known as the board of aldermen of St. Paul; and at the general municipal election of said city in eighteen hundred and ninety-two (1892) there shall be elected at large, from the electors of said city, and at each general municipal election held each two (2) successive years thereafter there shall be elected at large, from the electors of said city, nine (9) assemblymen, who shall reside in such portions of said city as hereinbefore provided, and each of said aldermen and each of said assemblymen shall hold his office for two (2) years, and until his successor is elected and qualified.



All powers, duties and obligations held, assumed and by law authorized and exercised by the common council of said city, as now composed, under any law of this state, shall, save as herein otherwise provided, be held, assumed and exercised by the common council herein provided for, and any power, authority and duty held, imposed and exercised under any present law by the common council of said city as now composed, is, save as otherwise herein provided, hereby granted to and imposed upon the common council of said city, as in this act organized and provided. It shall require the same proportionate vote, save as otherwise herein provided, for the passage of any legislation in each of said bodies as is now required for the passage of like legislation by the common council of said city as now constituted; *Provided*, that, in such case, as the law now provides, any appointment of the mayor of said city shall be approved and confirmed by the present council of said city, said confirmation or approval shall be had, taken or considered as resting upon and vested in said assembly, and such laws of this state as authorize or require the appointment or election of any officer (save as herein provided) of said city by the common council of said city, such officer shall be elected or appointed by said common council as herein constituted, acting in joint session; except judges of election shall be appointed by the board of aldermen, as provided by law, and in such cases as the charter of said city now provides that the president of the common council, *ex-officio*, or the chairman of the ways and means committee of the common council, *ex-officio*, shall perform certain duties outside of legislative duties, such duties and powers are granted to and imposed upon the president, *ex-officio*, and the chairman of the ways and means committee, *ex-officio*, of said assembly.

On and after May eleventh (11th), eighteen hundred and ninety-one (1891), those members of the present common council who were elected at large shall be and are retired from office and relieved from all further official duties under said election, and the board of aldermen herein provided for, of said city, shall thereupon be composed and consist of the present common council of said city excluding and exclusive of said aldermen at large, and each member of said board of aldermen, composed of those members of the present common council aforesaid, shall continue and remain in office as members of and shall constitute said board of aldermen, as herein constituted and provided, until his successor is elected and qualified, as in this act provided.

On May eleventh (11th), of the year eighteen hundred and ninety-one (1891), or as soon thereafter as practicable, the mayor of said city is hereby authorized and directed to appoint nine (9) electors of said city to act as members of and to constitute the assembly aforesaid, and each of the electors so appointed shall hold his office as such assemblyman until his successor is elected and qualified, as in this act provided. Each of said bodies may fill, by appointment, until the vacancy is filled at the then next general election, any vacancy that may occur in its members.

The compensation of each member of said common council organized, as in this act provided, shall be the sum of one hundred dollars (\$100) per annum, payable monthly out of the city treasury of said city.

Any member of the assembly, and any alderman who, being present when his name is called, fails to vote upon any then pending proposition, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative on said pending proposition; and, if not present, it shall be so recorded.

Like publications shall be made and like action taken (save as herein provided) of and concerning the action of the common council, as hereby organized, as is made and taken by law relative to council proceedings prior to the passage of this act;

*Provided, however,* the joint committee of the two (2) legislative bodies shall, as soon as practicable after the passage of this act and as often thereafter as economy requires, establish rules to guide the city clerk in making such publication; and said rules shall provide, among other things, for the publication of a synopsis only of orders to and orders and reports from the board of public works; and also for the elimination from the published proceedings of said council, during any one publication, of all repeated matter and of all other matter not necessary to advise the public of the proceedings had and taken by said common council.

As compensation for the additional services hereby imposed upon said city clerk, he shall receive, in addition to the sum now allowed by law, the sum of six hundred dollars (\$600) per annum, the same to be paid monthly out of the city treasury, as other salaries of city officers and employees are paid.

It is hereby made the duty of the presiding officer of each body of said council, at each regular meeting thereof, to sign, during the session of said body, the clerk's record of the proceedings of the last meeting of said body, after said record is corrected and approved, and to announce to said body, in open session, that he has attached to said record his official signature. And it is hereby made the duty of said clerk to incorporate in the minutes of that meeting the statement aforesaid of the presiding officer relative to said signature. All unfinished business pending on May eleventh (11th), one thousand eight hundred and ninety-one (1891), before the present common council, may be taken up and considered first by said board of aldermen.

SEC. 2. That section eight (8) of said chapter four (IV) of the Special Laws of one thousand eight hundred and seventy-four (1874), is amended so as to read as follows:

Sec. 8. The common council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city, and also all county, territorial and state roads, whether actually traveled or used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered by the common council except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, resident within said city, save that a corporation, whether domestic or foreign, may, when interested, join in and verify such petition by any officer thereof, and be counted as a resident for the purposes of this section. Each petition provided for in this section shall bring forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways, county, territorial or state roads proposed to be vacated, and shall be verified by the oath of one of the petitioners.

The body of the common council to which said petition is presented shall thereupon, if it deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the said body, or a committee by it appointed, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. Said body, or such committee as may by it be appointed for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. Said body, thereupon, after hearing the same, or report of such committee in favor of granting such petition, may, by resolution passed by three-fourths ( $\frac{3}{4}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways, county, territorial or state roads vacated, which said resolution, if passed by a like vote of the other house, shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon a transcript of such resolution and of said plat, duly certified by the city clerk, shall, before the same is valid, be filed for record and duly recorded in the office of the register of deeds of the county of Ramsey. No such vacation shall be valid until the value of the premises so vacated shall have been deposited in the city treasury, which value shall be fixed by resolution of the common council, by three-fourths ( $\frac{3}{4}$ ) votes of all the members of each body, and shall in no case be less than a proportionate average value of the abutting property, according to the last previous assessment for taxation;

*Provided*, in case the plat commission shall have approved a plat embracing the premises proposed to be vacated, which plat dedicates to the public use, in the opinion of said council, land equivalent in area and value to the premises sought to be vacated, then said council may, by a three-fourths ( $\frac{3}{4}$ ) vote of all the members of each body, accept said plat and pass said resolution of vacation, and after said plat and said resolution have been recorded in said register's office, said vacation shall be valid without the payment of any money into the said city treasury;

*Provided further, however*, that vacations and discontinuances of such county, territorial or state roads may be granted upon the petition of a majority of the owners of property through which the same or the portions thereof sought to be vacated exist, when such owners shall have platted the same and shall have provided, in lieu of such roads, sufficient streets in the opinion of the city engineer and of the common council, of which fact the approval of said commission and the acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence.

SEC. 3. That chapter five (5) of said Chapter one (1) of the Special Laws of this State for the year one thousand eight hundred and seventy-four (1874) is hereby amended so as to read as follows:

## THE TREASURY DEPARTMENT.

Section. 1. The present bonded or permanent funded debt of the city shall not be increased, nor shall any new bonds of the city be issued, except as provided by law; nor shall the city loan her credit, become a stockholder in or make contribution or donation to any person, company or corporation. The common council are fully authorized and required to provide, by taxation, for the prompt payment of interest and for a sinking fund sufficient to meet such bonds and all other bonds of said city at maturity, whether heretofore or hereafter to be issued. And all acts of the legislature of this state, whether heretofore or hereafter to be passed, authorizing an issue of bonds by said city, shall be construed to contain a provision for the payment of the interest thereon, and for a sinking fund sufficient to pay the same by taxation, unless the contrary shall be expressed in such act.

Sec. 2. All moneys belonging to said city shall be under the control of the common council, and shall be paid out only upon the order of the mayor and clerk, countersigned by the comptroller, duly authorized by virtue of a resolution of the common council, two-thirds ( $\frac{2}{3}$ ) of the whole number of each body voting therefor, and each order drawn upon the treasurer shall specify the specific purpose for which it is drawn and the specific fund upon which it is drawn, and shall be payable only out of such fund belonging to the city as is named in the resolution aforesaid of said council. Each order shall be payable to the order of the person in whose favor it may be drawn and it may be transferred by indorsement. No order on any specific fund shall be drawn or issued until there shall be money sufficient to the credit of such fund to pay the same, together with the orders that may then be outstanding; and the comptroller is prohibited from countersigning any such order until there shall be sufficient money, as aforesaid, in the treasury applicable thereto to meet such order, together with the orders which may then be outstanding. There shall be written or printed in full on each warrant or order the name of the fund or department to which it is applicable, and the warrants of different departments, so far as practicable, shall be of different color or design.

Sec. 3. All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and payment of its debts and liabilities and for the support of the public free schools of said city, and the same shall be assessed as provided by law.

The said common council, by a three-fourths ( $\frac{3}{4}$ ) vote of all members of each body, may levy an annual tax upon all property in said city, taxable under the laws of this state, to and for the specific purposes following, that is to say:

*First*—To provide for the payment of the interest on all outstanding bonds issued by or assumed by said city, due or to become due during the year of such levy, and to provide for a sinking fund to meet and pay such bonds at the maturity thereof.

*Second*—To provide for the payment when due of any bonds of said city.

*Third*—To provide for the payment when due of any outstanding certificates of indebtedness issued by or assumed by said city.

*Fourth*—To provide for the support and maintenance of the fire department of said city.

*Fifth*—To provide for the support of the police department of said city.

*Sixth*—To provide for the lighting of said city.

*Seventh*—To provide for the payment by said city of its bills and expenditures for water.

*Eighth*—To provide for the payment by said city of its portion of the expenditures of the board of control.

*Ninth*—To provide for the support and maintenance of the public free schools of said city by the payment of the employes of the board of education of the city of St. Paul.

*Tenth*—To provide for the support and maintenance of the public free schools of said city not provided for in the ninth (9th) subdivision hereof; *Provided*, that the levy in any one (1) year shall not exceed two and one-half mills (2½) on the dollar of the property assessed for all school purposes, exclusive of state tax, nor be less than two (2) mills on the dollar.

*Eleventh*—To provide for the support of the department of the building inspector.

*Twelfth*—To provide for the support of the health department of said city.

*Thirteenth*—To provide for the payment by said city of its portion of the maintenance of the court house and city hall.

*Fourteenth*—To provide for the support of the workhouse of said city.

*Fifteenth*—To provide for the payment of the salaries and clerk hire of the engineering department of said city.

*Sixteenth*—To provide for the support of the board of public works of said city.

*Seventeenth*—To provide for the payment of the salary fixed by legislative act for each officer of said city, and of clerk hire not hereinbefore provided for, but which may be duly authorized by law.

*Eighteenth*—To provide a fixed sum to be used for cleaning and repairing streets, sewers, sidewalks and crosswalks.

*Nineteenth*—To provide for building and repairing bridges.

*Twentieth*—To provide for the payment of any judgment exceeding five hundred dollars (\$500) in amount, docketed and unpaid against said city.

*Twenty-first*—To provide printing and stationery for all departments of said city.

*Twenty-second*—To provide for the support of the city municipal court of said city.

*Twenty third*—To provide for the support of the public library; not exceeding, however, in any one year the sum of fifteen thousand dollars (\$15,000).

*Twenty-fourth*—To provide a general fund for the current and incidental expenses of said city, not hereinbefore specified and provided for, and all money received from liquor, butcher, dog, dray, wagon, truck, express, theatre, circus and other licenses, and also all money received from the municipal court, market house and market, workhouse, building inspector's permits, poundage receipts, and from all other sources (save when received for a specified use or purpose), shall be credited and passed to the general fund.

The amount of money to be raised by taxation for the above purposes, as aforesaid, shall only be so much as will be necessary, in addi-

tion to the amount received from all other sources, for an economical administration of the affairs of said city.

There shall not be levied or expended in any one fiscal year for cleaning and repairing streets, sewers, bridges, sidewalks and crosswalks an amount or sum exceeding one hundred and fifty thousand (\$150,000) dollars, and the amount embraced in any tax estimate for any department of said city for any fiscal year shall be the maximum amount which can be used, paid out or expended by or for that department during the fiscal year in which said estimate was made.

In making up the tax estimate, in any fiscal year, of the amount estimated to be necessary for the support of the fire department, the police department, and for the salaries to be paid to city officers and for clerk hire (the same being subdivisions fourth (4th), fifth (5th) and seventeenth (17th) of this section), the maximum amount estimated to be necessary for each of said departments shall be stated, and the maximum amount which it is estimated can be drawn from the general fund for the support of each of said three (3) departments shall also be stated, and there shall be put into said tax estimate for each of said three (3) departments to be raised by levy so much only as is necessary for the support of such department after the amount which can be drawn from the general fund is deducted from the full estimated cost of such department, and said general fund may be drawn upon (each body of the common council consenting thereto) for the support of each of said three (3) departments to the extent in the aggregate specified in said tax estimate.

Sec. 4. The said levy shall be made by said common council on or before the tenth (10th) day of October of each year, and the same shall be entered upon the tax duplicates for the county of Ramsey, and collected annually in like manner as city and county taxes are collected.

Sec. 5. The city comptroller and city treasurer shall each forthwith, as soon as the tax estimate is made in the year one thousand eight hundred and ninety-one (1891), and as soon thereafter in any year as any tax estimate is made, open and keep in his books separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any future tax estimate for expenditures and in making any future levy the city council shall itemize the same, so as to show separately the amount to be collected from taxes for the use of each department of said city, as said departments are designated in section three (3) last above. And it shall be the duty of said city treasurer to keep in his said books a complete, accurate and separate account of each and all of the divisions embraced in subdivisions numbered one (1) to twenty-four (24) inclusive of section three (3) last above, entitled, "Treasury Department," which shall clearly and accurately show at all times the amount of money received by him for the credit of each of such accounts, and whence received, and the amount of money paid out by him on account thereof, and to whom and for what purpose paid out.

Said city treasurer shall also keep a separate and distinct account for moneys received or to be received for each local improvement for which an assessment is made or has been made, and hereafter when any money is collected from any assessment it shall be the duty of said treasurer to credit said sum to said separate assessment account.

Whenever the county treasurer of Ramsey county shall pay over to said city treasurer any taxes belonging to said city and collected under any levy, and whenever any money is received by said city treasurer from the sale of any certificates of indebtedness disposed of in anticipation of a collection of a tax based on a tax estimate, the city treasurer shall credit each of said respective funds and accounts with its proportionate amount of said receipts, according to the tax estimate of the fiscal year when said estimate is made. The money collected from assessments shall not be paid out by said treasurer except in payment for assessment work. The money received from the sale of certificates of indebtedness based on a tax estimate and the money received from the county treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures, together with the arrearages due and unpaid, for the specific object or objects for which said estimate was made and said taxes were levied. And no ordinance, warrant or order of the common council, or of any officer, board or department of said city, shall have any power or authority to authorize the city treasurer to divert any of said separate funds or money from the specific purposes for which the same were estimated, levied, collected and credited, as aforesaid, or to borrow and transfer any balance or portion of one of the said funds to the credit of another fund, except in the purchase of certificates, as by this act provided; *Provided, however*, that whenever, in the opinion of the common council of said city, it becomes necessary so to do, and said council shall, by ordinance, authorize the same, any of the funds of said city, save funds collected for special assessments, and save funds collected for the support of the free public schools of said city, may be transferred to the account and fund designated for the payment of the principal and interest of the bonded indebtedness of said city of St. Paul. And the faith and credit of said city of St. Paul is hereby irrevocably pledged for the prompt and faithful payment of said bonded indebtedness and the interest thereon, as in the said bonds provided.

After said first accounts are opened in said treasurer's books, as herein provided, any moneys thereafter received by said city treasurer from the collection of taxes delinquent at the date of the passage of this act shall be distributed to the funds and departments provided for herein, so far as the funds and departments correspond to the funds named in the particular tax levy on which said delinquent taxes are collected. And so far as they do not correspond, said delinquent taxes collected shall be credited to the account of the general fund. The surplus of any year's receipts over expenditures may be carried forward to a like account of any succeeding year.

Sec. 6. It is hereby made the duty of the treasurer of the county of Ramsey, in the collection of taxes, to keep his accounts or books so as to show at all times the approximate amount of money received or collected for the city of St. Paul, and also the approximate amount received and collected, if any, for the board of education of the city of St. Paul.

And it is hereby made the duty of the county auditor of said Ramsey county, on the first (1st) day of each and every month, or as soon thereafter as the same may be demanded, to draw his warrant upon the county treasurer of said Ramsey county in favor of the city treasurer

of the city of St. Paul, for all money in the county treasury of said county belonging to the city of St. Paul, and a separate warrant for all money, if any, belonging to the board of education of the city of St. Paul, as near as the same can be ascertained from the books of the county treasurer of said county; and upon the presentation of the same to the said county treasurer, he shall pay the same respectively out of the moneys received and collected by him for said city, and, if any, for said board of education, as aforesaid.

Sec. 7. It shall be the duty of the comptroller of said city, in auditing and adjusting claims and accounts, as in the charter of said city provided, to designate and specify upon each claim, demand and account so audited and adjusted the particular fund or account, as said fund or account is shown by the last tax estimate and the tax levy when made based thereon, out of which the same shall be paid; and no claim, demand or account shall be audited or adjusted by him, or reported to the council, until there shall be sufficient money in the treasury to the credit of the particular fund or account out of which the same is payable, to pay the same, as well as other unpaid claims before that time audited and allowed against such fund.

Sec. 8. The city clerk shall not prepare or sign any order on the treasury, unless the requirements of section seven (7) last preceding have been complied with by the comptroller; and in drawing each order said clerk shall designate thereon the particular fund designated upon the claim by the comptroller, and the comptroller shall not countersign such orders unless the same shall be drawn upon the particular fund by him designated therefor, when said claim, demand or account was audited and adjusted by him, as aforesaid.

Sec. 9. The proviso of section ten (10) of an act approved February twenty-ninth (29th), one thousand eight hundred and seventy-two (1872), entitled "An act to amend the charter of the city of St. Paul," in the words following, viz.:—"Provided, that no assessment or levy of any tax shall be made upon any part of the property, real or personal, embraced within the enlarged limits of this city, as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. In all assessments or levies of taxes for payment of such indebtedness the lands and property embraced in such enlarged limits shall be expressly omitted;"—and so much of section three (3) of an act approved March sixth (6th), one thousand eight hundred and seventy-three (1873), entitled "An act to extend the limits of the city of St. Paul," in the words following, viz.: "It is hereby expressly declared that neither the territory hereby added to said city, nor the lands, tenements or hereditaments, nor the personal property of any resident situate and being, or which may be situate on, said territory here by annexed to said city, shall ever be assessed or taxed for the payment of any part, either principal or interest, of the existing debt of said city, either funded or otherwise; but all assessments or levies of taxes for such antecedent indebtedness of said city aforesaid is hereby expressly prohibited;"—and so much of section three (3) of chapter two hundred and eighty-one (281) of the Special Laws of one thousand eight hundred and eighty-five (1885), as amended by chapter one hundred and four (104) of the Special Laws of one thousand eight hundred and eighty-five (1885) as read as follows: "No assessment or levy of any tax shall be made upon any part of said new terri-



tory for the payment of any portion of the principal or interest for the existing bonded indebtedness and of any bonded indebtedness that may be authorized at the present session of the legislature of the state of Minnesota, or of any bonded indebtedness which may have been heretofore authorized but not issued,"—and all other laws now in force which exempt any portion of said city from any specified burden of taxation are each and all hereby continued in force.

Sec. 10. The common council of said city shall have no power or authority to allow or authorize the payment of any claim or demand against the said city, or to authorize the appropriation of any money of said city in behalf of said city, unless sufficient money out of which to satisfy said claim, appropriation or demand, and applicable thereto is actually in the treasury of said city, or has been embraced in a then existing and uncollected tax estimate or levy; *Provided, however*, that this provision shall not apply to a contract for the satisfaction of which a local assessment is to be made.

No ordinance, order or resolution of said council appropriating money or requiring the payment or expenditure of money by said city, and no contract requiring the payment of money by said city, shall be operative or valid unless there is specified therein the particular fund out of which the same is to be paid.

Whenever the expenses and obligations incurred chargeable to any particular fund or department of said city in any fiscal year (the fiscal year shall hereafter begin on January first (1st)), are sufficient in the aggregate to absorb eighty per cent (80%) of the entire amount embraced in the tax estimate for that year and the amount received from other sources and applicable for the purposes of said fund and department, no officer, board or official body of said city shall have any power, and no power shall exist, to create any additional indebtedness (save as the remaining twenty per cent (20%) of said tax levy or estimate is collected), which shall be a charge against said particular fund or department, or which shall be in any manner a valid claim against said city, but said additional indebtedness or obligation attempted to be created shall be a personal claim against the officer or the members of the municipal board or body voting for or attempting to create the same.

It is hereby made the duty of the city comptroller to communicate to the city council, in writing, at each of its second regular monthly meetings, a statement showing:

*First*—The amount of cash on hand in the treasury belonging to each fund, or department of said city, on the first (1st) of the then current month, as said funds or departments are specified in the last tax estimate, and in section three (3) of this chapter five (5).

*Second*—The amount designated in said estimate for each of said departments.

*Third*—The amount of said estimate for each department paid out or appropriated at the date of such statement.

Sec. 11. The common council of said city shall have no power or authority to create any new or salaried office not specified in the charter of said city, or in any manner to increase the salary or compensation of any salaried officer named in said charter, or to employ any assistant or make said city liable for any services rendered or attempted to be rendered in performing the duties imposed by law upon any salaried officer of said city, and upon May twentieth (20th)

next after the passage of this act the employment and compensation of all employes and officers of said city not designated in the charter of said city as salaried officers or employes shall cease and determine; but nothing in this provision shall prevent said city and its officers from employing such servants and agents from day to day and from month to month as is authorized by the charter of said city.

Sec. 12. The city clerk shall, before he shall sign any order on the treasury of said city for the payment of any salary or compensation for services rendered or material furnished said city, designate therein the legislative act and the section thereof, or the order, resolution or ordinance of the common council (by giving the date and the passage thereof) under the authority of which said order is drawn, and any officer of said city who, under any law of this state, is entitled to any sum or amount for clerk hire, or who is entitled to any clerk or assistant in the performance of his official duty, shall, in writing, certify to the city comptroller and the city clerk the name of such clerk or assistant, the date of his appointment, and the amount of compensation he is to receive, and whenever said clerk or assistant named in said certificate ceases to act as such, said officer shall forthwith certify the same to said city comptroller and said city clerk, and all orders drawn and payments made for services rendered by any clerk or assistant of any officer of said city shall be drawn in favor of, and paid to, the clerk or assistant performing the services, and not in favor of the officer employing such work or assistant.

Neither the departments respectively of said city or any officer thereof nor said board of education shall have any power or authority to make any contract or to create any debt against said city before the common council of said city shall have authorized the same (two-thirds ( $\frac{2}{3}$ ) of each body voting therefor); *Provided, however*, that this restriction last aforesaid shall not apply to the contracts of any department with its clerical force, assistants or employes, when the amount to be expended for such force, assistants or employes is fixed by legislative act, or to any assistant, the salary of whom is fixed by legislative act; but this restriction shall not apply to the contracts of the board of education with its employes; and no committee of said common council or officer thereof shall allow or approve any claim in favor of any person or corporation for any purpose whatever attempted to be created, as aforesaid, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by said common council, as aforesaid.

Each requisition on said council for authority to purchase supplies or create any indebtedness against said city shall, save in this act provided, be itemized.

Sec. 13. The common council shall not have the power or authority to relieve any citizen from the payment of any lawful tax, assessment, fine or license, or to exempt him from any burden imposed upon him by law, or order or ordain the payment of any demand not authorized and audited according to law.

The common council shall not have power to ordain or authorize any compromise of any disputed demand, or any allowance therefor or therein, except as provided in the contract therefor.

The common council shall not have power to ordain or authorize the payment of any damages claimed for alleged injuries to person or property, or lease any property, except by ordinance adopted by a vote of three-fourths ( $\frac{3}{4}$ ) of each body of the common council.

Sec. 14. Any willful neglect or refusal on the part of said city treasurer, the city comptroller, the city clerk, or the county treasurer of Ramsey county, to perform the duties required in this chapter or by the charter of said city, or any vote or act of any member of the common council or of said officers, or other officer of said city, made or done with the willful intent to evade the provisions of this chapter or said charter or to divert the funds raised by taxation or pledged by ordinance to a specific purpose, is hereby declared to be malfeasance in office, and, upon conviction thereof, such officer shall be removed from office and be punished by a fine not exceeding five thousand (\$5,000) dollars, or by imprisonment in the county jail of Ramsey county not exceeding three (3) years. And any occurrence of any neglect or refusal, vote or act, as aforesaid, shall be *prima facie* evidence that the same was done with such willful intent, as aforesaid. Save as he is authorized so to do by the charter of said city, no member of the common council shall demand, request or solicit any department, officer or employe of said city to engage or hire any person to work for said city or to place any person upon the pay roll of said city.

Sec. 15. It is hereby made the duty of the conference committee, after advising with the different departments of said city and with said board of education as early as its meeting in July, one thousand eight hundred and ninety-one (1891), to make out and designate by resolution a detailed and itemized statement of the amount of money which, in its opinion, it will be necessary to raise by the tax levy to be made in the year one thousand eight hundred and ninety-one (1891) for carrying on the business of said city and the affairs of said board of education for said year one thousand eight hundred and ninety-one (1891), and to recommend said statement and resolution to the common council of said city not later than during the month of August, one thousand eight hundred and ninety-one (1891), and said council shall, not later than its first meeting in September, one thousand eight hundred and ninety-one (1891), declare, by resolution, the amount in dollars that must be levied for each department of said city and for said board of education for said year one thousand eight hundred and ninety-one (1891), for carrying on the business of said city and the affairs of said board of education for said year.

As soon as said council shall designate the amount of money to be raised by taxation, as herein provided, said council shall transmit, or cause to be transmitted to the county auditor of said Ramsey county, its action and designation, and thereafter, and on or before the tenth (10) day of October, said council shall make a tax levy of said amount as now provided by law and the charter of said city, and said tax levy shall be entered upon the tax duplicates of the county of Ramsey at the time said duplicates are made up, and collected in like manner as state and county taxes are collected.

It shall be the duty of said conference committee in the month of December of each year, beginning in the year one thousand eight hundred and ninety-one (1891), to make out an itemized statement showing the amount of money aforesaid which, in its opinion, will be

needed for the use of each department of said city and for the use of said board of education during the then succeeding year, and to designate the same by resolution, and the same shall be reported and recommended by said conference committee not later than January next following said designation to the common council of said city, and said council shall thereupon, not later than the month of February next following, declare, by resolution, the amount in dollars that must be levied for each department of said city and for said board of education for the then fiscal year for carrying on the business of said city and the affairs of said board of education for said year.

As soon as said council shall designate in any year the amount of money to be raised by taxation as herein provided, said council shall transmit or cause to be transmitted to the county auditor of said Ramsey county its action and designation, and thereafter, and on or before the tenth (10th) day of October next following, said council shall make a tax levy of said amount, as now provided by law and the charter of said city, and said tax levy shall be entered, as by law prescribed, upon the tax duplicates of the county of Ramsey at the time said duplicates are made up, and collected in like manner as state and county taxes are collected.

In making said tax estimate and said levy, the amount estimated and levied to be expended by said board of education for the payment of its employes shall be estimated and levied annually as one gross amount, but the other portions of each annual estimate and levy shall, as far as practicable, be itemized.

As soon as said tax designation or estimate for any particular year is transmitted to the county auditor, as aforesaid, said common council, by ordinance first directing same (two-thirds ( $\frac{2}{3}$ ) of each body voting therefor), may issue and sell, or cause to be issued and sold, from time to time, as money is needed, certificates of indebtedness in anticipation of the collection of taxes for any department named in said tax estimate, for the purpose of raising funds for the use and support of such department; but no power shall exist to issue certificates for any of said departments exceeding eighty (80) per cent of the amount named in said tax estimate, to be collected for the use and benefit of said department, and said certificates may be issued, as aforesaid, and renewed from time to time, if necessary; but no certificate shall be issued to become due and payable later than November fifteenth (15th) of the year succeeding the year in which said tax estimate, reported to said auditor, as aforesaid, was made, and said certificates shall not be sold for less than par and accrued interest, and shall not draw a greater rate of interest than six (6) percent per annum. Each certificate shall state upon its face for which of said departments the proceeds of said certificate shall be used, the whole amount embraced in said tax estimate for that particular department, and they shall be numbered consecutively and be of the denomination of five hundred dollars (\$500) each, and may have interest coupons attached, and be otherwise of such form and terms, and, with the coupons, be made payable at such place, as will best aid in their negotiation; and the proceeds of the tax assessed and collected, as aforesaid, for said department and the faith and credit of said city are hereby irrevocably pledged for the redemption of the certificates so issued. The word "department" in this section may be held to embrace said board of education, as well as the departments of said city, should the laws relative to said board so authorize and its needs so require.

No money belonging to any department aforesaid shall be borrowed or diverted for the use of any other department or for any other purpose, except, in case there is at any time a surplus of cash to the credit of any department, three-fourths ( $\frac{3}{4}$ ) of each body of the common council may by resolution authorize said surplus cash to be invested temporarily in the purchase of the certificates of any other department.

Save as in this chapter provided, all laws and parts of laws authorizing said city of St. Paul or any officer thereof, or said board of education or any officer thereof, to issue certificates of indebtedness, are hereby repealed.

There is hereby inserted in this act after the words "board of education" or "board of education of the city of St. Paul," whenever the same are found, the words "or the school inspectors of said city."

Sec. 16. It shall be the duty of the city comptroller, not later than the first (1st) day of February of each and every fiscal year, to report to the common council, and also to the conference committee, an estimate of the expenses of the city for the then fiscal year, and likewise the revenue necessary to be raised for said year. And said estimate shall be itemized so as to clearly show the amount necessary to be raised, for each of the purposes, necessary to carry on the business and financial affairs of said city, as those purposes are set forth in section three (3) of this chapter. And said estimate shall also show the probable amount that said city will receive, during the then fiscal year, from the different sources named in subdivision twenty-four (24) of said section three (3).

Sec. 17. The city of St. Paul assumes, and is obligated to pay at the maturity thereof, together with the interest thereon, as the same matures from time to time, all the lawfully created bonded indebtedness of the board of education of the city of St. Paul, together with the lawfully created present floating indebtedness of said board of education. And for the prompt and faithful payment of said bonded indebtedness and the interest thereon, and said floating indebtedness aforesaid, the faith and credit of said city is hereby irrevocably pledged; *Provided*, nothing in this section shall be taken as relieving said board of education from the full and faithful performance of its legally authorized contracts and obligations.

Said city is hereby authorized and empowered to issue its certificates of indebtedness for the purpose of taking up and redeeming certificates of indebtedness of said board of education, now outstanding, and for an additional sum to be used for supporting the free public schools of said city, prior to July first (1st), one thousand eight hundred and ninety-one (1891), in the sum of three hundred and fifty thousand (\$350,000) dollars, or so much thereof as may be necessary.

Said certificate of indebtedness shall be signed by the mayor and the city clerk of said city, and countersigned by the city comptroller of said city, with the corporate seal of said city attached. And said certificates may be issued from time to time as the common council of said city, by a three-fourths ( $\frac{3}{4}$ ) vote of each body thereof, shall, by resolution adopted at any regular meeting, determine is necessary.

Said certificates may bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, together with the principal thereof and coupons attached, at the financial agency of the city of St. Paul in the city of New York.

The city of St. Paul is hereby also authorized and empowered to issue, for the purpose of taking up the now outstanding and floating indebtedness of said city, certificates of indebtedness in a sum not exceeding three hundred and fifty thousand (\$350,000) dollars. Said certificates last aforesaid may be issued from time to time, as the common council of said city, by a three-fourths ( $\frac{3}{4}$ ) vote of each body, by resolution, may determine is necessary. And said certificates shall be signed by the mayor and the city clerk of said city, and countersigned by the city comptroller of said city, with the corporate seal of said city attached; and the same may bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually. And said interest, together with said principal, with coupons attached, may be made payable at the financial agency of the city of St. Paul in the city of New York.

The certificates named in this section may have interest coupons attached, and be of the denomination of one thousand (\$1,000) dollars each. And said certificates, issued for school purposes, as aforesaid, shall be numbered consecutively, beginning with number one (1), and shall have stamped thereon the words, "Issued for educational purposes." And said certificates issued for taking up the floating indebtedness of said city, as herein authorized, shall be numbered consecutively, beginning with number one (1), and shall be of the denomination of one thousand (\$1,000) dollars each, and shall have plainly stamped upon the face thereof the words, "Issued for city purposes."

None of said certificates authorized by this section shall be sold for less than par and accrued interest.

It is hereby made the duty of the common council of said city, in making its tax estimate and tax levy in each of the years one thousand eight hundred and ninety-two (1892), one thousand eight hundred and ninety-three (1893) and one thousand eight hundred and ninety-four (1894), to include therein, under a separate head, an estimate and levy sufficient in amount to produce a sum sufficient to redeem one-third ( $\frac{1}{3}$ ) of the certificates and interest thereon issued under the authority of this section. And said certificates of indebtedness, when issued, shall be issued to mature, as near as practicable, at the time when the taxes levied, as aforesaid, for the redemption thereof, shall be collected.

Sec. 18. It is hereby made the duty of the following officers, namely:

The mayor of the city of St. Paul, the president of the assembly, the chairman of the committee on ways and means of the board of aldermen, the president of the board of education, the president of the board of water commissioners, the president of the board of fire commissioners, the president of the board of public works, the city comptroller, the treasurer of said city, the city engineer, and the chairman of the board of control, the president of the park board, to meet for conference and consultation relative to the welfare and financial affairs of said city as hereinafter provided.

The clerk of said city shall be the clerk of said conference committee, and keep a correct and full record of its proceedings; and he shall file and carefully preserve in his office the reports of the members of said committee, made and furnished as herein provided. The corporation counsel shall attend the meeting of said committee,

and aid it, as he may from time to time be requested, in its conference and investigations.

Sec. 19. Said conference committee shall hold its meetings at the council chamber of said city, and meet as often as once each month, and all its meetings, proceedings and records shall be public, and its first (1st) meeting shall be held at two (2) o'clock in the afternoon of May eleventh (11th), one thousand eight hundred and ninety-one (1891), and on the second (2d) Monday of each month thereafter. Said conference committee, at its first meeting, shall designate by resolution the hour of its future monthly meetings. At its first meeting in each year it shall elect a chairman, who shall serve for one year and until his successor is elected, and it may make and adopt such rules and by-laws for its government, not in conflict with this act and the laws of this state, as it may deem advisable.

Sec. 20. Any member of said committee who is absent from its meetings for two (2) successive sessions, or who shall fail for two (2) successive sessions to make the monthly reports herein directed, shall thereby be held, without other act or proceeding, to have resigned his office and the duties thereof, and shall thereby be disqualified to hold any public office in said city for the period of one (1) year next thereafter, and his successor shall be appointed as prescribed by the charter in case of resignation. Said committee shall have no power, and no power shall exist, to excuse any officer from making the monthly report herein prescribed and directed.

Sec. 21. Said committee shall request and permit the county auditor and county treasurer, and the county commissioner of said county oldest in service, to participate in its deliberations, but said county officers shall have no vote upon any pending proposition.

Sec. 22. It shall be the duty of the members of said committee at said monthly meetings to consult and advise together relative to the care, supervision and economical management of each and all of the affairs, duties and expenses of each department of said city, including the affairs of said board of education, and to that end, and in aid thereof, it shall be the duty of each member of said committee to report in writing under oath to said committee at said first meeting, relative to the work of his department, and especially as follows:

The president of the assembly shall report the amount of the expenditures made, or indebtedness incurred, at the date of such report, by the council, for the then fiscal year, as follows:

*First*—For work ordered, requiring an assessment to be made.

*Second*—For lighting said city, including a synopsis of any contract then in force for lighting said city entered into prior to the beginning of said current year.

*Third*—For the maintenance of the court house and city hall.

*Fourth*—For all other purposes (disbursements for expenses of the different boards excepted), and stating under this head the special fund in the tax estimate or tax levy which will be or has been drawn upon to meet such expenditure.

*Fifth*—The amount included in the last tax estimate upon which the common council can draw to satisfy its disbursements.

*Sixth*—The source outside of said tax estimate from which it is reasonable to expect funds will be received to be expended by the council, and the amount it is reasonable to expect will be received from each of said sources during the then fiscal year.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of expenditures authorized or made by said council under each of the foregoing heads, stating the same separately, since the last report of said officer.

*Second*—The amount expended by the council (board expenses excepted) during the fiscal year, to date of said report.

*Third*—The amount included in the last tax estimate upon which the common council can draw to satisfy its disbursements.

*Fourth*—The source outside of said tax estimate from which it is reasonable to expect funds will be received to be expended by the council, and the amount it is reasonable to expect will be received from each of said sources during the then fiscal year.

It shall be the duty of the president of the board of water commissioners to report, as aforesaid, at said first (1st) meeting, the amount of the expenditures made or indebtedness incurred by his said board at the date of such report for the then current fiscal year, by stating:

*First*—The amount of contracts let and of purchases made for materials and supplies.

*Second*—The amount of expenses incurred for labor.

*Third*—The amount of expenses incurred and contracts made for all other purposes, and a synopsis of any contract (water bonds excepted) then in force, calling for payment of money and made prior to the then fiscal year.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of expenditures authorized or made under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The amount of moneys collected by his board from the beginning of the then current fiscal year, and the amount of moneys collected since the last report of said officer.

*Third*—The number of employes, at the date of his report, working on a fixed salary in the services of his board, and the monthly or annual salary agreed to be paid to each.

The president of the board of fire commissioners shall report, as aforesaid, at said first (1st) meeting, the amount of the expenditures made or incurred by his board at the date of such report for the then current fiscal year, by stating:

*First*—The amount of contracts let and of purchases made for materials and supplies.

*Second*—The amount of the expenses incurred for labor, salary of regular employes excepted.

*Third*—The amount paid out during then current year as salary to regular employes.

*Fourth*—The amount of expenses incurred and contracts made for all other purposes.

*Fifth*—The amount included in the last tax estimate for his department.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of expenses authorized or made under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The number of employes engaged in the services of his board, on a fixed salary, since the date of his last report.





*Sixth*—The number of employes engaged in the services of his department during the period since the date of the last report of said officer (street and sewer force excepted).

*Seventh*—The whole number of persons employed on the street force since the date of his last report, stating separately the number in each commissioner's district.

*Eighth*—The number of persons employed on the sewer force.

At each subsequent meeting he shall report, as aforesaid:

*First*—The amount of the expenses authorized or made in each department under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The amount included in the last tax estimate for his department.

*Third*—The number of employes engaged in the services of his department during the period since the date of the last report of said officer, street and sewer force excepted.

*Fourth*—The whole number of persons employed on the street force since the date of his last report, stating separately the number in each commissioner's district.

*Fifth*—The whole number of persons employed on the sewer force since the date of his last report.

The president of the board of public works shall report at said first (1st) meeting the amount of expenditures made or incurred by the board of public works at the date of such report for the then current fiscal year, by stating:

*First*—The amount of contracts let, for which an assessment is to be made, stating each contract separately.

*Second*—The amount of the monthly pay roll audited and controlled by his said board.

*Third*—The amount of expenses incurred and contracts made for all other purposes.

*Fourth*—The amount included in the last tax estimate for his department.

At each subsequent meeting said officer shall report, as aforesaid:

*First*—The amount of expenditures authorized or made under each of the foregoing heads, stated separately, since the last report of said officer.

*Second*—The amount of moneys collected by his department, or any employe thereof, for any purpose connected with the work of his board since the beginning of said current fiscal year, and the amount of moneys collected since the last report of said officer.

*Third*—The number of employes engaged in the services of his department during the period since the date of the last report to said officer, and the name of each, and the amount paid, or agreed to be paid, to each.

*Fourth*—The amount included in the last tax estimate for his department.

The president or chairman of the board of control shall report at each of said meetings the amount of expenditures made by the board of control at the date of such report for the then current fiscal year, by stating:

*First*—The number of different persons assisted or aided during the period last named; also, the number of orders issued for aid by his board.

*Second*—The number assisted during each of the months for the then fiscal year, stating each month separately.

*Third*—The number of persons, firms or corporations from whom supplies have been purchased or ordered by his department, or any officer or employe thereof.

*Fourth*—The amount paid and the amount of indebtedness incurred for services, in consideration of the work of his department for the then fiscal year.

*Fifth*—The total amount of the expenses of his department to the date of his report.

*Sixth*—The amount included in the last tax estimate for his department.

*Seventh*—The amount of expenditures authorized and made, under each of the foregoing heads, since the last report of said committee.

*Eighth*—The number of orders for aid issued by his board since the date of his last report to said committee.

The city comptroller, at each meeting shall report, as aforesaid:

*First*—The whole amount of the indebtedness (outside of its bonded indebtedness) of said city and of said school board (stating each separately) audited by said comptroller during the then current fiscal year.

*Second*—The whole amount of the indebtedness outstanding and unpaid of said school board, outside of its bonded indebtedness, audited and allowed by said comptroller.

*Third*—The whole amount of indebtedness of said city of St. Paul outstanding, created by the common council (outside of the bonded indebtedness of said city) audited or allowed by the city comptroller.

*Fourth*—The whole amount of the unpaid indebtedness of said city audited by the city comptroller since his last monthly report.

*Fifth*—The whole amount of money belonging to said city and also belonging to said school board, stated separately, in any of the banks of said city, stating the amount held by each bank, and the amount of cash on hand belonging to each separate fund named in the last tax estimate.

*Sixth*—The aggregate amount of the local assessment warrants uncollected in money, which warrants were delivered to the city treasurer prior to the year one thousand eight hundred and ninety (1890), stating when each was delivered and the amount of each warrant uncollected separately, and beginning with and including the year eighteen hundred and seventy-four (1874). In making this report any local assessment sale made to said city, or to any person, on which the city has not actually received the money, shall be deemed uncollected.

*Seventh*—The aggregate amount of the claims, demands and contracts of said school board and of said city, stating each separately, in the possession or control of said comptroller, waiting to be approved, audited and countersigned by him.

*Eighth*—The city comptroller shall attach to his first report made under this act a copy of the last tax estimate and levy, and as soon and as often as a new levy is made he shall report to said committee a copy of such new levy.

The city treasurer shall report:

*First*—The aggregate amount of money received by him during the then fiscal year, from each of the following sources, stated separately

From the county treasurer.

From liquor licenses.

From all other licenses.

From clerk of the municipal court.

From the building inspector.

From all other sources (exclusive of local assessments).

*Second*—The aggregate amount of money paid out by him during the then fiscal year (exclusive of local assessments), in behalf of or for the benefit of each particular department of said city, including said board of education, stating the amount for each department separately, as those departments are specified in the last estimate and tax levy.

*Third*—The name and amount of each assessment warrant received by him since January first (1st), eighteen hundred and ninety (1890), the date when each was received and the amount of cash received on each of said warrants, and the amount paid out by him on account of the work named in each of said warrants respectively.

*Fourth*—The name of each employe of said city, or any department thereof, including said board of education, outside of day laborers and outside of assessment contracts, which employe is paid by said city treasurer, and the amount of salary or compensation received per month or per annum by each of said employes, and in case the amount of said compensation is fixed by statute, he shall so state opposite the name of such employe; and in case the compensation of any one of said employes named in said list is fixed by any body or authority of said city government, or by said board of education, he shall so state opposite the name of such employe.

The mayor of said city shall report:

*First*—The number of policemen in the employ of said city, in all the grades and departments.

*Second*—The aggregate amount of city warrants of all kinds and character signed by him during the then fiscal year (exclusive of warrants for paying principal and interest on bonded debt); and in making said report he shall state the amount of said warrants signed to pay salaries and the amount signed to pay other purposes, separately, as those purposes are stated separately in the last tax estimates. The words tax levy, wherever used in this section, shall be construed and include also the words tax estimate of the then fiscal year.

Sec. 23. Said conference committee shall have power and authority at any meeting, by resolution, to require any officer or employe of said city or said school board to furnish under oath any additional report or information said board may desire, relating to the business of said city or said school board, and it shall be the duty of such officer or employe, when so requested, to furnish the information called for, and in the manner, form and by the date specified in said resolution.

Sec. 24. The order of business of said conference committee at its meetings shall be as follows:

*First*—Calling the roll.

*Second*—Reading the minutes of the last meeting.

*Third*—Reading the reports herein prescribed.

*Fourth*—Such other order of business as the conference committee may direct in aid of the purpose of its work.

Sec. 25. Whenever, in the opinion of said conference committee, any officer, board or department of said city, or said board of education,

is not observing economical management of his or its official business, and has, in the opinion of said committee, during the then fiscal year, made or incurred such amount of expenses that said officer or said department will not be able to go through the then fiscal year without overdrawing the amount of money named in the tax estimate, or in the tax for his or its department, with the amount collected or collectible, and applicable thereto, then said conference committee shall immediately, by resolution, so advise said officer or department; and thereafter said officer or department shall have no power or authority to create any additional indebtedness or expense, save after the approval of four-fifths ( $\frac{4}{5}$ ) of said committee, which approval shall be evidenced by a resolution adopted at a meeting of said committee and entered upon its records. Said resolution of approval shall not be construed as granting any officer, board or department of said city or of said board of education any power or authority not granted by existing laws. Said committee is also authorized and directed from time to time to give any officer or board of said city such caution and advice as, in its opinion, the welfare and economical management of the affairs of said city demand.

Sec. 26. With[in] thirty (30) days next after said first meeting of said committee, the first reports herein provided for shall be printed by said clerk for the use of the members of said committee and said council, and such reports made thereafter shall be printed as said committee may direct, and said clerk shall not permit said original reports or any of same to be taken from his custody or office.

Sec. 27. That sections ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty four (24) and twenty-six (26) of said chapter five (5), said chapter five (5) being entitled "The Treasury Department," and all other parts and portions of said chapter five (5) not found and set forth in this chapter five (5), as hereby rewritten and enacted, are hereby repealed.

SEC. 4. That section five (5) of chapter seven (7) of the Special Laws of the year one thousand eight hundred and eighty-seven (1887), as amended in the year one thousand eight hundred and eighty-nine (1889), said section five (5) beginning on page three hundred and thirty-three (333) of said Special Laws, is hereby amended so as to read as follows:

Sec. 5. All applications or propositions for any improvement mentioned in section two (2) of this chapter, except public parks and parkways, shall be made to or emanate from the common council of said city, and shall be first referred to the board of public works by said common council; *Provided*, that any such application made to said council shall be in writing and said council shall not be required to proceed further with any such application, by reference to the board of public works or otherwise, unless the said council is satisfied that the owners of at least one-half ( $\frac{1}{2}$ ) of the property fronting and abutting upon the line of said proposed improvement, resident within Ramsey county, has subscribed to such application. Upon such reference, said board shall then proceed to investigate the same, and if it shall determine that such improvement is necessary and proper, it shall report such determination to the common council, accompanied with (save in the case of sidewalks and

street sprinkling) an estimate of the expense thereof and a plan or profile of the contemplated improvement and a proper order directing the work to be done; *Provided further*, that it shall not be competent for said common council to order any improvement made against the report of said board, when the board have assigned as a reason for their adverse report that property cannot be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby. In case said board shall report in favor of said improvement, or of a modification thereof, and that the same is necessary and proper, and that property can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby (less the proceeds of bonds, if any, applicable thereto), the common council may, in its discretion, unless otherwise provided for in this chapter, by a two-thirds ( $\frac{2}{3}$ ) vote of the whole number of each body, order the doing of said work or the making of said public improvement reported as aforesaid; *Provided further*, that such modification shall not materially change the character and object of the improvement so referred to said board by said council or materially increase the expense thereof; *And provided further*, that the council shall in no case order the doing of any such work, or the making of any such improvement, unless, in their opinion, real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby. Two (2) or more improvements upon one or more streets, either of grading, sewerage or paving, or either or any of them, may be done at the same time under one order and may be included in one contract. Before any final order is made under this section, the members of the body of the council acting on same, save in matters of sidewalks and street sprinkling, shall examine the general plans or profiles therefor and the presiding officer shall indorse said plans or profiles and make declaration of such indorsement to said body. Section six (6) of said chapter seven (7) of said Special Laws of eighteen hundred and eighty-seven (1887), save as same is incorporated in this section five (5), is hereby repealed. No crosswalks shall be built until the same have been referred to said board and said board have reported in favor thereof; *Provided, however*, that no improvement in the nature of opening or grading of streets, or laying of new sidewalks, shall be ordered until at least one-third ( $\frac{1}{3}$ ) of the owners of the property fronting thereon, according to the transfer books in the office of the county auditor, at the date of the preliminary order, shall have petitioned therefor in writing. Said petition shall state the residence of each petitioner and shall be *prima facie* evidence thereof. Said board shall report whether the required proportion of such owners have so petitioned, and their report shall be *prima facie* evidence of the facts therein stated.

Sec. 5. That section twelve (12) of chapter seven (7) of the Special Laws of the year eighteen hundred and eighty-seven (1887), the same being found on page three hundred and thirty two (332) of said Special Laws, is hereby amended so as to read as follows:

Sec. 12. The engineer of said board, under its direction and supervision and upon such direction and orders as said board may receive from said common council of said city, shall be charged with the erection, control and supervision of all the sidewalks, streets, lanes,

bridges, alleys and public levees; and it is hereby made the duty of said board, through its said assistant, said engineer, and under the supervision of the council, as aforesaid, at all times to have and keep all the sidewalks, streets, lanes, bridges, alleys and public levees in a cleanly condition, passable and safe for public use and travel. And to enable said engineer to satisfactorily perform the duties and work created and imposed by this section, he is authorized to appoint, subject to the approval of said common council and said board, not exceeding six (6) persons, who, under his direction, shall perform such duties as said engineer shall from time to time prescribe. And said persons so appointed shall at all times be under the supervision of said engineer of said board. The persons so appointed shall receive such compensation as the board of public works, with the consent of the common council, expressed by resolution, may determine; and in fixing such compensation said resolution shall specify the period for which said compensation shall last, which period shall in no case exceed at any one time six (6) months.

SEC. 6. That section sixteen (16) of title one (1) of chapter seven (7) of said Chapter one (1) of the Special Laws of one thousand eight hundred and seventy-four (1874) is hereby amended so as to read as follows:

Sec. 16. Any person whose property has been appropriated, and who has filed objections to such assessment, as hereinbefore provided, shall have the right at any time within ten (10) days after the publication of said notice provided for in the next preceding section to appeal to the district court of the county of Ramsey, of this state, from the order confirming said assessment. Said appeal shall be made by filing a written notice with the clerk of the board of public works, specifying the name of the court in which the appeal is taken and a description of the property of said appellant so appropriated and the objections of said appellant to such assessment, and by filing with the clerk of said court, within ten (10) days thereafter, a copy of said notice of appeal and objections, together with a bond to the city of St. Paul conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court, or in case of his absence or inability to act, by the judge of any court of record in this state, together with a copy of such notice, with the date of filing thereon certified by the clerk of the board of public works. In case of an appeal a copy of the assessment roll as confirmed aforesaid, and of the objections as aforesaid made to the confirmation thereof, certified by the clerk of said board, at the expense of the appellant, which shall in no case exceed the sum of three (3) dollars, and shall forthwith be paid into the city treasury, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of St. Paul as an "appeal from assessments." The said cause shall then be at issue, and it may be brought on for hearing by either party, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes, except that no pleading shall be necessary, and on such trial the only question to be passed upon shall be whether the said board of public works had jurisdiction in the

case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it affects such property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie. Costs and disbursements may be taxed upon said appeal as in other civil cases, but the judgment entered therefor, if against said city, shall be a separate judgment and paid out of the general fund of said city.

SEC. 7. That title one (1), of Chapter seven (7), of the Special Laws of one thousand eight hundred and eighty seven (1887), is hereby amended by adding at the end of said title the following new sections, the same being numbered sections eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84) and eighty-five (85):

Sec. 81. It shall be the duty of the board of public works, or some member thereof, in the months of May and October of each year, to visit each oil street lamp and each gas street lamp and each electric lamp for the support of which the city is paying, and to carefully note and make a record of the necessity or lack of necessity for the existence of the same; and said board, within ten (10) days next after said May, and also next after said October, shall report to the common council a list of said lamps and the location of the same, which, in the opinion of said board, the public interests and the economical management of said city, are not necessary and can be dispensed with; and also a list of said lamps and the location of each of the same, which in its opinion are necessary and the public interest require should be sustained; and upon the receipt of this report it shall be the duty of said city council to forthwith, by resolution or ordinance, direct that the further use of said lamps and the lighting of the same which are reported necessary shall be sustained, and those which are not necessary shall be dispensed with; and in case said council shall neglect to pass such resolution or ordinance, then all claim, right or demand against said city on the part of any person, company or corporation, for the keeping of said lamps in said list lighted and in service, shall cease, become void and determined. Said board shall make said list or report in duplicate, and retain one copy thereof in its office as one of its records. Hereafter no new gas or oil or electric light shall be placed or ordered by the common council until the necessity for the same has been referred to the board of public works, and said board, by a three-fourths (3/4) vote, has reported that the same is necessary.

Sec. 82. It shall be the duty of each street commissioner and of each sewer commissioner to report to the board of public works each week, in writing, the name of each man and the owner of each team employed by him during the week next preceding said report, and the wages to be paid for each man and each team, and each day the nature and location of the work on which said men and teams are or are to be engaged; and said reports shall be filed by said board in its office and be open for inspection at any time during business hours by any taxpayer, and eight hours shall constitute a day's work for each such man and team, and the common council shall have authority to fix the compensation therefor, and no such men or teams shall be employed unless said men, and the owners of such teams, shall have



resided in the city of St. Paul for a period of not less than four months prior to the date of said employment. No supplies shall be purchased by the engineering department (which includes the street and sewer force) of said city until a requisition in writing has been obtained therefor from the city engineer; and the common council in disbursing the funds of said city shall see to it that the provisions of this section are strictly observed. All orders for doing work of the character heretofore directed by the common council to the city engineer shall hereafter be directed to the board of public works, but this provision shall not enlarge the powers of said council.

Sec. 83. It is hereby made the duty of the board of public works, as soon as any assessment is confirmed, in any proceeding for condemning any land by said city, or in condemning any slopes by said city, to make or cause to be made a certificate setting forth the exact description of the lands condemned and the slopes taken by said city in said proceeding, and to make or cause to be made an accurate plat showing the lands and slopes taken by said city in said proceeding, and the president of said board and the clerk of said board, shall each attach to said certificate and to said plat his official signature, and the seal of said board shall also be attached to said certificate and to said plat, and it shall be the duty of said board, and before a warrant is issued for the collection of any assessment in such condemnation, and before any further proceeding therein, to cause said certificate to be recorded in the office of the register of deeds of Ramsey county and to cause said plat to be filed for preservation in the office of the said register of deeds of Ramsey county, and the register of deeds of Ramsey county shall carefully file and preserve such plat in a book prepared for such purpose, and in recording said certificate he shall make a notation upon the record thereof showing where said plat can be found in his office, and said register of deeds shall receive from the treasury of said city, for said services, the same fees as in other like cases for similar services.

Sec. 84. After the passage of this act, the certificates issued on sales for local assessments need not be acknowledged.

Sec. 85. No right, title, estate or easement of the city of St. Paul in or to any property shall be prejudiced or lost by any adverse possession or occupancy.

SEC. 8. That subdivision sixth (6th) of section three (3) of Chapter forty-eight (48) of the Special Laws of this state for the year one thousand eight hundred and eighty-seven (1887) is hereby amended so as to read as follows:

Sec. 6. To appropriate not exceeding ten thousand dollars (\$10,000) in any one (1) year from the city treasury for such purposes as it may deem proper to advance the interests of the city, and to authorize the issue of certificates therefor if there shall be no money in the treasury applicable for the payment of it at the time it is made; *Provided, however*, such order or appropriation shall be passed by the vote of at least four-fifths ( $\frac{4}{5}$ ) of each body elect of said council, such vote to be entered by the ayes and nays upon the records of each body of the common council; *And provided further*, that said council shall have no authority to appropriate under this subdivision more than ten thousand dollars (\$10,000), in the aggregate, in any fiscal year, and it shall have no authority to make any such appropriation for any charitable purposes, or for the use of any person, com-

pany or corporation having his or its residence outside of the state of Minnesota, and it shall have no other authority to use any money hereby authorized to be appropriated for the purpose of paying or satisfying any claim, legal or equitable, not authorized to be paid at the time said claim originated, or to anticipate in any one year the authority of any future year.

SEC. 9. That section seven (7) of Chapter forty-eight (48) of the Special Laws of one thousand eight hundred and eighty-seven (1887) is hereby amended by adding thereto the following:

"It is hereby made the duty of the superintendent of the work-house of the city of St. Paul, forthwith upon the passage of this act, to report in writing to the city treasurer of St. Paul the name of each prisoner in his charge, the nature of the offense for which he was committed, the date when he was committed, and the penalty imposed by the court at the time said prisoner was committed; and thereafter it shall be the duty of said superintendent to report to said treasurer in writing each day (and deliver the same by his own hand or by mail) the name of each prisoner committed to his charge since the date of his last report, the date when he was committed, the nature of the offense for which he was committed, and the penalty imposed by the court at the time such commitment was directed, and also the name of each prisoner discharged since the date of his last report, and the reason of his discharge, and by whose authority he was discharged; and it is hereby made the duty of said treasurer to procure a book and enter in said book from day to day said reports as received, showing the status of each prisoner named in said reports by showing his name, date of commitment, nature of offense for which he was committed, and the penalty imposed by the court when he was ordered committed, and the date of his discharge, and by whose order or for what reason he was discharged.

Said book and said daily reports are hereby made a part of the records of said treasurer's office, and are open to inspection during all business hours, to any taxpayer of said city."

SEC. 10. The time of payment of any money now due, and hereafter to become due the board of water commissioners from the city of St. Paul, for water provided and furnished for fire protection, through hydrants, is hereby extended until June first (1st), one thousand eight hundred and ninety-three (1893), and as evidence of such indebtedness said city shall issue to said board certificates of indebtedness, bearing interest at the rate of four per cent (4%) per annum, payable semi-annually, for the sums now due and the sums hereafter to become due, as herein provided.

Certificates shall be issued for the amount now due, for the purposes aforesaid, the same to bear the date of January first (1st), one thousand eight hundred and ninety-one (1891), and payable on the first (1st) day of June, one thousand eight hundred and ninety-three (1893), with interest as aforesaid; said certificates hereafter shall be issued semi-annually, in January and June of each year, for the amount of the indebtedness which may at such dates respectively accrue for said purposes, bearing interest as aforesaid.

All said certificates hereby authorized shall be made payable on said June first (1st), one thousand eight hundred and ninety-three (1893), and all of said certificates shall be taken and considered by said board as part of its sinking fund.

And said certificates shall not be sold, negotiated or made negotiable, and shall be so drawn. Said certificates shall be issued, as aforesaid, only on the order or resolution of the common council of said city after the indebtedness evidenced thereby has, by said council, been audited and allowed; and said certificates shall be signed by the mayor and clerk of said city, and countersigned by the comptroller thereof, and there shall be printed, stamped or written on the face thereof the words: "Issued under the law of one thousand eight hundred and ninety-one (1891), for water rents."

SEC. 11. Nothing in this act shall be taken and construed to apply save as specified in section ten (10) last above, to the board of water commissioners of said city, and nothing in this act which is in conflict with any act relating to the board of park commissioners of said city, shall be taken or construed to apply to said board of park commissioners, and no subsequent public act of this state which conflicts with the provisions of this act shall, unless this act is specified in said public act, be taken as repealing any provisions of this act.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 7.

[H. F. No. 1211.]

### AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL, IN THE STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

The following amendments and sections are hereby made a part of the charter of the city of St. Paul.

SECTION 1. At the first (1st) meeting in each year of each body of the common council, each of said bodies shall proceed to elect by ballot from its own body, a president and vice president. Each of said presidents shall preside over the meetings of the body from which he is elected, and during the absence of the mayor from the city, or in case of his death or his inability or incapacity for any reason to discharge the duties of the office of mayor, the president of the board of aldermen shall exercise all the powers and discharge all the duties and have all the rights of mayor of said city, and be styled "acting mayor of St. Paul."

The vice president of each body, in case the president of such body is absent, shall act for the time being as presiding officer, and shall discharge the duties of such president and act in his place; *Provided, however,* that the president of the assembly shall perform the duties of acting mayor in case of the inability of the president of the board of aldermen to act as acting mayor.

SEC. 2. That section four (4) of an act of the legislature of this state approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), which act amended the charter of the

city of St. Paul, is hereby amended, by striking out of the last proviso of said section the words "opening or," and by inserting after the words "grading of streets," in said proviso, the word "or."

SEC. 3. That that part of section seven (7) of the act mentioned in the preceding section, approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), which said part of said section is numbered section eighty-three (83), be and the same is hereby amended by striking out of said part so called of said section eighty-three (83), the word "exact," where the same occurs before the word "description," and inserting the word "general" in lieu thereof, and by inserting after the word "proceeding," where it next occurs, the following words: "but the plats filed in said register's office shall fully show or exhibit the property taken."

SEC. 4. The salary of the first (1st) assistant corporation attorney shall be twenty-five hundred (\$2500) dollars per annum, in place of eighteen hundred (\$1800) dollars per annum, payable in equal monthly installments, and he shall devote all of his professional time to the duties of his office.

SEC. 5. That no water mains shall be laid by the board of water commissioner of said city unless one-third ( $\frac{1}{3}$ ) of the resident owners of the property fronting on the street where it is proposed that water mains shall be laid shall first (1st) have petitioned, in writing, to said board of water commissioners for the laying of said mains.

SEC. 6. That section two (2) of title three (3) of Chapter seven (7) of the Special Laws of A. D. one thousand eight hundred and eighty-seven (1887), as found on page three hundred and sixty-six (366) of said Special Laws, is hereby amended by striking out the first (1st) five (5) lines and the first (1st) word of the sixth (6th) line of said section two (2) and inserting in lieu thereof the following:

"Sec. 2. Such grade may at any time thereafter be altered by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect of each body of the common council, after the body of the common council in which the matter of said proposed alteration originated has caused notice to be given, by publication in the official newspaper of said city for three (3) successive weeks at least twice in each week, of the time and place where the said body in which said matter of alteration originated will consider such proposed alteration."

SEC. 7. That all notices required by the charter of the city of St. Paul to be given in the official paper of said city by the board of public works or city treasurer relating to assessments shall be published but one (1) time, except notices for the reception of bids for making of local improvements and awarding of contracts and redemption notices given by the city treasurer, which shall be published as now required by the charter and laws of said city.

SEC. 8. That the city of St. Paul be and it is hereby authorized and empowered to condemn for a public park lots one (1) and two (2) of block eight (8) of Rice & Irvine's addition to the city of St. Paul, in Ramsey county, Minnesota.

That the city of St. Paul shall, in condemning said lands for a public park, proceed in all respects as is provided for condemnation of lands for local improvements in said city as provided by Chapter seven (7) of the Special Laws of the year one thousand eight hundred and eighty-seven (1887), as amended, except that the cost of said improvement shall be assessed against the city of St. Paul, and shall be paid for out of the general fund of said city.

Upon the confirmation of the final assessment and award of damages by the board of public works of said city, and the payment of said award by said city to the owners of said property, if they will accept the same, otherwise said awards shall be paid to and deposited with the clerk of the district court of the second (2d) judicial district and county of Ramsey for the benefit of said owners."

The same shall be a lawful and sufficient condemnation of said real estate, and the title thereto shall vest in the city of St. Paul in fee simple. The damages awarded for said land shall be a general charge against the city of St. Paul, and shall be paid within six (6) months after the confirmation of the assessment and award of damages for said real estate.

SEC. 9. There shall be one (1) assistant city clerk of said city of St. Paul, who shall be subject to the city clerk of said city, and for all the acts of said assistant city clerk the city clerk shall be responsible. He shall be appointed in writing by said city clerk and he may be removed by said city clerk at pleasure. Said appointment, before it shall be operative, shall be filed in the office of the city treasurer. Said assistant clerk may perform the same duties required of said city clerk. The compensation of said assistant clerk shall be paid out of the forty-six hundred (\$4,600) dollars allowed annually for clerk hire for said clerk's office.

The style of all ordinances of said city shall be: "The common council of the city of St. Paul do ordain:"

SEC. 10. That section five (5) of said act approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), said section five (5) being an amendment of section twelve (12) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887), is hereby amended, by striking out from that part of said section which now reads, "He is authorized to appoint, subject to the approval of said common council and said board, not exceeding six (6) persons," the following words, viz.: "said common council and."

SEC. 11. On and after June first (1st), one thousand eight hundred and ninety-one (1891), the words "the president of the board of education," found in said act approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), shall be taken and construed to mean the president of the school inspectors, and the board of education shall be taken and construed to mean the school inspectors.

SEC. 12. That that part of section fifteen (15) of the treasury department of said act approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), which reads: "and said council shall, not later than its first (1st) meeting in September, one thousand eight hundred and ninety-one (1891)," is amended so as to read: "and said council shall, not later than the month of September, one thousand eight hundred and ninety one (1891)."

SEC. 13. That section sixteen (16) of said treasury department of said act approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), is hereby amended so as to read as follows:

"Sec. 16. It shall be the duty of the city comptroller, not later than the month of December of each and every year, beginning in the year one thousand eight hundred and ninety-one (1891), to report to

the common council, and also to the conference committee, an estimate of the expenses of the city for the then next succeeding fiscal year, and likewise the revenue necessary to be raised for said year. And said estimate shall be itemized so as to clearly show the amount necessary to be raised for each of the purposes necessary to carry on the business and financial affairs of said city, as these purposes are set forth in section three (3) of this chapter, and said estimate shall also show the probable amount that said city will receive during the then fiscal year next succeeding from the different sources named in subdivision twenty-four (24) of said section three (3).

SEC. 14. That section eighty-one (81) of said section seven (7) of said act approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), is hereby amended by adding at the end of said section the following words.

SEC. 15. That section two (2) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887), as found on page three hundred and thirty-three (333) of said Special Laws, as amended by Special Laws one thousand eight hundred and eighty-nine (1889), chapter thirty-two (32), be and the same is hereby amended by inserting in said section after the words "street sprinkling" whenever they occur in said section the words "street sweeping."

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 8.

[H. F. No. 1,007]

### AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL AND THE ACTS AMENDATORY THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section five (5) of chapter three (3) of an act entitled "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one (1) act, and to amend the same," approved March fifth (5th), one thousand eight hundred and seventy-four (1874), is hereby amended so as to read as follows, to-wit:

Sec. 5. The law department of the city of St. Paul shall consist of a corporation attorney and three (3) assistant corporation attorneys, called first (1st), second (2d) and third (3d) assistants respectively, who shall be appointed by said corporation attorney.

The corporation attorney shall be the legal head and to have the control, supervision and direction of the law department of the city government and of the several heads and departments thereof. He shall be elected by the common council of the city on the second (2d) Tuesday of March of each odd numbered year, and shall hold his office for the term of two (2) years thereafter and until his successor shall be elected and qualify, and shall receive a salary of five thousand (\$5,000) dollars per annum.

He shall be the legal adviser of the mayor, the common council and of the committees thereof, the board of public works and the school inspectors, and the board of health and all other boards and officers of said city, and he shall render and perform all the legal services incident to his office, and when required shall furnish opinions upon such legal questions as may be submitted to him by the mayor, the common council or any of its committees, or by either of the above named boards. He shall, in person, or by one (1) of his assistants to be by him assigned for that purpose, attend the stated and special meetings of the common council, the board of public works, the board of education, the board of health, and shall also render and perform such other duties as may be prescribed by the common council by ordinance.

The law department of the city shall be allowed such clerical force as in the opinion of the common council shall be required for the prompt and efficient dispatch of the business of the department.

It is made the duty of the corporation attorney and the first assistant to give their whole professional time and attention to the discharge of the duties of their respective offices at the city hall, or such other place as the common council shall designate and provide for.

The assistant corporation attorneys shall hold office during the pleasure of the corporation attorney, who shall appoint them, and shall receive the following salaries:

The first assistant the sum of one thousand eight hundred (\$1,800) dollars per annum, the second assistant the sum of one thousand two hundred (\$1,200) dollars per annum, and the third assistant the sum of one thousand two hundred (\$1,200) dollars per annum.

The board of public works, the school inspector and the board of health, and the park board and all boards and officers of said city, and each of them, are hereby prohibited from retaining, feeing or employing an attorney for their respective boards, and it is hereby made the duty of said boards, and each of them, whenever the advice, opinion or services of an attorney is required by either of said boards, either at the meeting of their respective boards, or at any other time or upon any other occasion, to call upon the corporation attorney, whose duty it shall be, either by himself in person or by one (1) of his assistants to be by him designated for that purpose, to give such advice, furnish such opinions, or render such services as may be required by such boards, or by either of them. The corporation attorney may be allowed a sum not exceeding eighteen hundred (\$1800) dollars per annum for clerk hire for the law department.

The salaries of the corporation attorney and his assistants and clerks shall be paid monthly.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1891.

## CHAPTER 9.

[S. F. No. 863.]

AN ACT TO ESTABLISH AND REGULATE THE SALARIES AND COMPENSATION OF CERTAIN OFFICERS IN THE CITY OF ST. PAUL, AND TO ABOLISH CERTAIN OFFICES OF SAID CITY AND OF THE BOARD OF WATER COMMISSIONERS OF SAID CITY, AND TO PROVIDE THE MAXIMUM AMOUNTS ALLOWED FOR THE ADMINISTRATION OF CERTAIN DEPARTMENTS OF SAID CITY AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH.

*Be it enacted by the Legislature of the State of Minnesota.*

SECTION 1. That for the faithful discharge of the duties of their respective offices the following named city officers of the city of St. Paul shall receive per annum, payable in equal monthly installments out of the city treasury, the amounts herein specified, viz.:

The mayor of said city twenty-five hundred (2,500) dollars per annum.

The mayor's secretary one thousand two hundred (1,200) dollars.

The city treasurer the sum of five thousand (5,000) dollars per annum. The common council of said city may from time to time fix and provide for clerk hire for said office not to exceed in the aggregate the sum of eight thousand (8,000) dollars per annum. All fees and other charges provided by law shall be paid into the common treasury of the said city, and it is made the duty of the said city treasurer to collect the same and to account and be responsible therefor.

The city engineer the sum of five thousand (5,000) dollars per annum. The common council of the said city may from time to time fix and provide for the compensation of the assistant and other subordinates of said city engineer's office at such amounts as shall seem to said common council proper, the aggregate of said amount not to exceed the sum of forty thousand (40,000) dollars per annum. The said city engineer shall furnish engineering services for the board of water commissioners of said city, when and to the extent only by them in writing requested, the cost thereof shall be paid out of the sum of forty thousand (40,000) dollars hereinbefore provided for.

The city clerk the sum of five thousand (5,000) dollars per annum. The common council of said city may from time to time fix and provide for clerk hire for the said office, not to exceed in the aggregate the sum of four thousand six hundred (4,600) dollars per annum. The salary herein granted to the said city clerk shall include the sum of six hundred (600) dollars which has been allowed the said officer for increased labor by act of the legislature of the state of Minnesota, which provided that the common council shall consist of a board of aldermen and an assembly, and shall also include the sum of one hundred (100) dollars salary as secretary of the board of park commissioners of said city and the further sum of one hundred (100) dollars salary as secretary of the hospital commission of said city, and county of Ramsey, it being the intent and meaning of this provision



that said city clerk shall not receive from said city for services in any manner performed by him during his said term more than the sum of five thousand (5,000) dollars per annum. All fees for licenses of whatever description and all other charges now provided by law to be charged, made and collected by the said clerk shall be by him collected and paid into the city treasury of said city, and he shall be charged with the said amount. The amount of said fees and charges shall remain as now fixed by law, and the said common council is hereby prohibited from changing the said fees and charges. It is hereby made the duty of said clerk to collect and account for the said fees and charges, as hereinbefore provided, and for the proper performance of such duty he shall give security in such amount and under such conditions as the common council of said city shall determine.

The president of the board of water commissioners of the city of St. Paul, the salary of twelve hundred (1200) dollars per annum.

The office of attorney of said water board and the office of engineer of said water board are hereby abolished, and it is made the duty of the city engineer and the corporation attorney of said city to perform the services of said officers respectively.

The city comptroller the sum of three thousand five hundred (3,500) dollars per annum. The city comptroller of said city may from time to time employ such clerks for the said office as may be necessary, the compensation of such clerks not to exceed in the aggregate the sum of four thousand (4,000) dollars per annum; *Provided, however*, that no part of said sum aforesaid shall under any circumstances be paid to said comptroller and that all sums payable to any clerk shall be paid to him in the manner provided by law.

The commissioner of health a salary of twenty-four hundred (2400) dollars per annum; and assistant commissioner of health a salary of twelve hundred (1200) dollars per annum. The expense of the administration of the health department, including the salaries of said commissioner of health and his assistant, of said city shall not exceed the sum of twelve thousand (12,000) dollars per annum. The compensation of all employes of said department, except as hereinbefore provided, shall be fixed by said commissioner of health; but such compensation shall be at a rate not exceeding nine hundred (900) dollars per annum for the time employed for all employes, except watchmen, and the compensation of said watchmen shall not exceed the rate of five hundred (500) dollars per annum for the time employed. No assistants exceeding six (6) in number shall be employed during the period of the year or any part of the same, from the first (1st) of November to the fifteenth (15th) of April, save after the common council shall have determined it to be necessary by a two-thirds ( $\frac{2}{3}$ ) vote of each branch of said body.

The inspector of buildings a salary of two thousand five hundred (2,500) dollars per annum. The cost of the administration of the building inspector's office, inclusive of the salary of the said inspector of buildings, is hereby limited to a sum not to exceed eleven thousand (11,000) dollars annually, and no clerk or assistant exceeding five (5) in number shall be employed during the period of the year from November first (1st) to March first (1st) unless the common council by a two-thirds ( $\frac{2}{3}$ ) vote of each body shall by resolution declare the same to be necessary. The building inspector shall have authority to fix the monthly compensation of each employe in his

office, but in no case shall such compensation be greater than that now allowed by law.

Said building inspector shall, before receiving any and each monthly installment of his salary, file with the city treasurer his affidavit, stating, that he has duly entered complaint in court against all persons charged with violation of any of the building ordinances of said city, or of the provisions of Chapter three hundred and seventy-five (375) of the Special Laws of Minnesota for the year eighteen hundred and eighty-nine (1889), relating to smoke nuisance, which have been reported to him in writing more than fifteen (15) days prior to the end of such month, and the city treasurer is hereby prohibited from making any payment of such installment until such affidavit is so filed with him.

The chief engineer of the fire department the sum of three thousand five hundred (3,500) dollars per annum. The first assistant engineer the sum of two thousand (2,000) dollars per annum. The second assistant engineer the sum of fifteen hundred (1,500) dollars per annum. The compensation heretofore allowed the said chief engineer as fire warden is hereby abolished.

The total expenses of the administration of the said fire department of said city, including all expenditures for stores, fuel, horses and appliances of whatever description shall not exceed the sum of two hundred and fifteen thousand (215,000) dollars per annum. The chief of police of said city a salary to be fixed by the common council of the said city not to exceed the sum of three thousand five hundred (3,500) dollars per annum. Nothing in this act contained shall be construed as repealing any of the provisions of a certain act known as as H. F. No. 722 of the present legislative session, which was approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), or of any act regulating the manner of payment of clerk hire or of payment out of the city treasury of said city.

The balance of the salaries of the members and employes of the said department shall be fixed by the common council of the said city, but in no case shall the salary or compensation of any member or employe exceed the amount now provided by law for like service.

The total expense of the administration of the said department, including compensation of poundmasters and all expenditures for stores, fuel, horses and appliances of whatever description, shall not exceed the sum of one hundred and eighty-five thousand (185,000) dollars per annum.

The chief of police may appoint a clerk, whose salary shall be fixed by the common council at an amount not to exceed the sum of one thousand (1,000) dollars per annum.

The members of the board of public works a salary of two thousand five hundred (2,500) dollars per annum.

The common council of said city may from time to time fix and provide for clerk hire for the said board of public works not to exceed in the aggregate the sum of six thousand (6,000) dollars per annum.

The first assistant corporation attorney of said city the sum of twenty-five hundred (2500) dollars.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and any provision or part of a certain act entitled "An act to amend the charter of the city of St. Paul, the same being and "An act entitled an act to reduce the law incorporating the

city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act and to amend the same," which act was approved March fifth (5th) eighteen hundred and seventy-four (1874) and the acts amendatory thereof and supplemental thereto," approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891) which confliction with any of the provisions of this act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 10.

[H. F. No. 1160.]

AN ACT TO PROVIDE FOR AND TO SPECIFY THE BONDS TO BE GIVEN BY THE PUBLIC OFFICERS OF THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That each of the following named city officers of the city of St. Paul shall give and file, as hereinafter provided, a bond to the city of St. Paul, in the amounts respectively as hereinafter named, to-wit: The city treasurer in the sum of five hundred thousand dollars (\$500,000); the city comptroller in the sum of five thousand dollars (\$5,000); the clerk of the municipal court in the sum of six thousand dollars (\$6,000); the deputy clerk of the municipal court in the sum of five thousand dollars (\$5,000); the health officer in the sum of three thousand dollars (\$3,000); the clerk of the board of public works in the sum of one thousand dollars (\$1,000); the city clerk in the sum of five thousand dollars (\$5,000); the building inspector in the sum of five thousand dollars (\$5,000).

SEC. 2. Each of the above named bonds shall be conditioned in the same manner and subject to all the rules and regulations and in the same form as now prescribed by law for said bonds, and each of the same shall be respectively executed by the above named city officers with two or more sufficient sureties, which said sureties shall justify in the aggregate in the amount of the bond signed by them. Said bonds when so executed shall be delivered to the city clerk of the city of St. Paul, and shall be in such form as shall be approved by the corporation attorney. If the sureties thereon are satisfactory to the common council of said city, and upon being approved, as aforesaid, the same shall be filed in the office of the city clerk.

SEC. 3. Each of the officers of said city of St. Paul named in section one (1) of this act, now serving their terms of office in said city, shall file the bond herein designated and required on or before the first (1st) day of May A. D. one thousand eight hundred and ninety-one (1891); *Provided, however,* that where said officers have already given a bond as required by law such bond and the amount thereof

shall be taken and deemed to be a part of the bond herein required, and said present officers shall only be required to give such additional bond as may be necessary to make the entire amount of their bonds equal to the sum herein required for their respective bonds.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 11.

[S. F. No. 655.]

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-FIVE (425) OF THE SPECIAL LAWS OF MINNESOTA FOR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO CREATE A POLICE PENSION FUND FOR RETIRED POLICEMEN AND THE WIDOWS AND CHILDREN OF POLICEMEN KILLED WHILE IN ACTUAL PERFORMANCE OF POLICE DUTY IN AND FOR THE CITY OF ST. PAUL," APPROVED MARCH TWENTY-SEVENTH (27th), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That chapter four hundred and twenty-five (425), of the Special Laws of Minnesota for one thousand eight hundred and eighty-nine (1889), entitled "An act to create a police pension fund for retired policemen and the widows and children of policemen killed while in actual performance of police duty in and for the city of St. Paul," approved March twenty-seventh (27th), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended as follows:

*First*—By striking out the words and figures "eighteen (18) years or upwards," in line twenty-three (23) of section three (3) of said act, and inserting in lieu thereof the words and figures "twenty (20) years or upwards, and shall have arrived at the age of not less than fifty (50) years, or who shall be totally disabled from an injury received while in the actual performance of police duty."

*Second*—By striking out section five (5) of said act and inserting in lieu thereof the following:

"Sec. 5. If at any time there should not be sufficient money to the credit of the police pension fund to pay all claims against it in full, an equal percentage shall be paid upon said claims to the full extent of the funds on hand, and shall be accepted as payment in full by the claimants, and no claimant shall have any legal or equitable demand or cause of action against the city of St. Paul save to the extent of his or her proportionate share of said fund under the provisions of this act; *Provided, however,* that no rights of any person or persons which have accrued under said act, prior to this amendment thereof, shall be affected by this amendment;

assessment or a new assessment warrant mentioned in the preceding section, to report to the district court of Ramsey county at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants for the amounts of assessment, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice by two (2) publications in the official paper of said city of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made and a description of the property against which judgment is desired, and require all persons interested to attend at said term.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested or their agents resident in the city of St. Paul. Such personal notice may be made by depositing in the St. Paul post office a postal card addressed to the property owners to be assessed or their agents resident in St. Paul, upon which card shall be printed or written such notice of application for judgment; but the failure to give such notice shall in no wise effect the validity of the judgment applied for or any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

SEC. 6. That section forty-four (44) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out of said section the words, "duly acknowledged before a notary public and signed by two (2) witnesses," in the second (2d) and third (3d) lines of said section.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 13.

[H. F. No. 331.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL AND THE ACTS AMENDATORY THEREOF," BEING CHAPTER FORTY-EIGHT (48) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), APPROVED FEBRUARY TWENTY-SECOND (22), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That sub-division six (6), of section three (3) of an act entitled "An act to amend the charter of the city of St. Paul and the acts

amendatory thereof," being chapter forty-eight (48) of the special laws of the state of Minnesota, for the year one thousand eight hundred and eighty-seven, (1887), approved February twenty-second (22d), one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended by striking out the words "Twenty thousand dollars (\$20,000)" where they occur in said subdivision six (6), and insert, in lieu thereof, the words "Ten thousand dollars (\$10,000)," in said subdivision.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

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## CHAPTER 14.

[H. F. No. 1186.]

### AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO CONSTRUCT SEWERS IN THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION. 1. That to provide for the natural drainage, storm water and sewerage of Front [Trout] brook and Phalen creek, between Fifth (5th) street and the Mississippi river, in the city of St. Paul, the said city of St. Paul is hereby authorized and empowered to construct a sewer to convey the natural drainage, storm water and sewerage of Front [Trout] brook and Phalen creek within the limits of Fifth (5th) street and the Mississippi river, in the city of St. Paul.

SEC. 2. For the payment of such amount, not to exceed the sum of fifty thousand (50,000) dollars, as may be necessary to cover any deficiency between the cost of said sewer and the amount to be assessed against the property benefited, the said common council of the city of St. Paul by a two-thirds ( $\frac{2}{3}$ ) vote is authorized to levy taxes upon the taxable property within the limits of said city, the necessary amount to be included in the tax levy of the year one thousand eight hundred and ninety-one (1891).

The amount of said deficiency shall be determined by the board of public works, and reported to the common council by the said board of public works.

SEC. 3. That to provide for the natural drainage, storm water and sewerage of the Tenth (10th) ward of the city of St. Paul, said city is hereby authorized and empowered to construct a sewer in said ward, and for the payment therefor, to an amount not to exceed the sum of thirty thousand (30,000) dollars, as may be necessary to cover any deficiency between the cost of said sewer and the amount to be assessed against the property benefited, the said common council of the city of St. Paul by a two-thirds ( $\frac{2}{3}$ ) vote is hereby authorized to levy taxes upon the taxable property within the limits of said city, the necessary amount to be included in the tax levy of the year one thousand eight hundred and ninety-two (1892), and the amount of the

assessment or a new assessment warrant mentioned in the preceding section, to report to the district court of Ramsey county at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants for the amounts of assessment, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice by two (2) publications in the official paper of said city of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made and a description of the property against which judgment is desired, and require all persons interested to attend at said term.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested or their agents resident in the city of St. Paul. Such personal notice may be made by depositing in the St. Paul post office a postal card addressed to the property owners to be assessed or their agents resident in St. Paul, upon which card shall be printed or written such notice of application for judgment; but the failure to give such notice shall in no wise effect the validity of the judgment applied for or any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

SEC. 6. That section forty-four (44) of title one (1) of chapter seven (7) of Chapter seven (7) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out of said section the words, "duly acknowledged before a notary public and signed by two (2) witnesses," in the second (2d) and third (3d) lines of said section.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 13.

[H. F. No. 331.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL AND THE ACTS AMENDATORY THEREOF," BEING CHAPTER FORTY-EIGHT (48) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), APPROVED FEBRUARY TWENTY-SECOND (22), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That sub-division six (6), of section three (3) of an act entitled "An act to amend the charter of the city of St. Paul and the acts

amendatory thereof," being chapter forty-eight (48) of the special laws of the state of Minnesota, for the year one thousand eight hundred and eighty-seven, (1887), approved February twenty-second (22d), one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended by striking out the words "Twenty thousand dollars (\$20,000)" where they occur in said subdivision six (6), and insert, in lieu thereof, the words "Ten thousand dollars (\$10,000)," in said subdivision.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

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## CHAPTER 14.

[H. F. No. 1186.]

### AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO CONSTRUCT SEWERS IN THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION. 1. That to provide for the natural drainage, storm water and sewerage of Front [Trout] brook and Phalen creek, between Fifth (5th) street and the Mississippi river, in the city of St. Paul, the said city of St. Paul is hereby authorized and empowered to construct a sewer to convey the natural drainage, storm water and sewerage of Front [Trout] brook and Phalen creek within the limits of Fifth (5th) street and the Mississippi river, in the city of St. Paul.

SEC. 2. For the payment of such amount, not to exceed the sum of fifty thousand (50,000) dollars, as may be necessary to cover any deficiency between the cost of said sewer and the amount to be assessed against the property benefited, the said common council of the city of St. Paul by a two-thirds ( $\frac{2}{3}$ ) vote is authorized to levy taxes upon the taxable property within the limits of said city, the necessary amount to be included in the tax levy of the year one thousand eight hundred and ninety-one (1891).

The amount of said deficiency shall be determined by the board of public works, and reported to the common council by the said board of public works.

SEC. 3. That to provide for the natural drainage, storm water and sewerage of the Tenth (10th) ward of the city of St. Paul, said city is hereby authorized and empowered to construct a sewer in said ward, and for the payment therefor, to an amount not to exceed the sum of thirty thousand (30,000) dollars, as may be necessary to cover any deficiency between the cost of said sewer and the amount to be assessed against the property benefited, the said common council of the city of St. Paul by a two-thirds ( $\frac{2}{3}$ ) vote is hereby authorized to levy taxes upon the taxable property within the limits of said city, the necessary amount to be included in the tax levy of the year one thousand eight hundred and ninety-two (1892), and the amount of the



said deficiency shall be determined by the board of public works and reported to the common council by said board of public works.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 15.

[S. F. No. 18.]

AN ACT TO AMEND SECTION FOURTEEN (14) OF CHAPTER THREE HUNDRED AND SIXTY (360) OF THE SPECIAL LAWS OF MINNESOTA FOR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), RELATING TO CONTRACTS WITH THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section fourteen (14) of chapter three hundred and sixty (360) of the special laws of Minnesota for eighteen hundred and eighty-nine (1889), entitled "An act relating to contracts with the city of St. Paul, in the county of Ramsey, and to the giving of bonds for the protection of persons doing work or furnishing material in the performance of any such contract," approved April twenty-fourth (24th), A. D. eighteen hundred and eighty-nine (1889), be and the same is hereby amended, so as to read as follows: "All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, save that nothing herein contained shall be construed or operate to abrogate or in any manner affect the provisions of section seven (7), chapter three (3), of the general laws of Minnesota for eighteen hundred and eighty-five (1885), entitled 'An act to amend an act entitled an act to authorize the organization and incorporation of annuity, safe deposit and trust companies, approved March fifth (5th), one thousand eight hundred and eighty-three (1883),' approved March fifth (5th), eighteen hundred and eighty-five (1885); but all right and authority conferred by said section shall continue to exist notwithstanding any of the provisions of this act, and any corporation duly organized and having authority to act under the terms of such section may become sole surety under any bond required by the provisions of this act, and in such case so much of the provisions of section one (1) of this act as relate to two (2) or more good and sufficient sureties shall be construed to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions of sections two (2), four (4) or twelve (12) of this act shall apply in such case."

SEC. 2. This act shall take effect and be in force from and after its passage, and shall apply as well to contracts heretofore as to those hereafter executed.

Approved Jan. 15, 1891.

## CHAPTER 16.

[H. F. No. 785.]

AN ACT RELATING TO CONTRACTS WITH THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY, AND THE GIVING OF BONDS FOR THE PROTECTION OF PERSONS DOING WORK OR FURNISHING MATERIAL IN THE PERFORMANCE OF ANY SUCH CONTRACT.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Before any contract for the doing of any work or labor, or furnishing any skill or material to or for the city of St. Paul, shall be valid and binding against said city, the contractor shall enter into a bond with the city of St. Paul, for the use of said city and also for the use of all persons who may perform any work or labor, or furnish any skill or material in the execution of such contract, conditioned to pay as they become due, all just claims for all work and labor performed, and all skill and material furnished in the execution of such contract, and to comply with all the requirements of the charter of said city and the amendments thereto, and with all the provisions of this act, which bond shall be in an amount not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by such contractor and two (2) or more good and sufficient sureties, and after being approved as herein provided, shall be filed in the office of the city comptroller of St. Paul.

SEC. 2. The sureties on such bond shall each take and subscribe an oath that he is a resident of the State of Minnesota, and that he is seized in fee of real estate situate in said state, and not exempt by law from sale on execution of the value and worth, over and above all incumbrances thereon, of the sum for which he is to justify in said bond. More than two (2) sureties may be accepted on such bond and they may justify in separate and different sums less than the sum specified in such bond; *Provided*, that the aggregate of their justification shall be equal to two (2) sureties, each justifying in a sum equal to the amount of said bond.

SEC. 3. It shall be the duty of the city attorney of said city to see that such bond is fully and properly executed and conforms in all respects to the provisions of this act, and thereupon he shall indorse on said bond his approval of the form thereof. Such bond and the sureties thereon shall thereafter be approved by an indorsement on said bond by the mayor and corporation attorney of said city, but said mayor and attorney shall not approve any such bond unless said city attorney's approval of the form thereof be indorsed thereon, nor unless the sureties on such bond appear personally before said mayor and attorney, and are by them examined touching their fitness and ability to become sureties on such bond, and it shall be the duty of such mayor and attorney to reject any person, notwithstanding his justification subscribed to the bond, if they, or either of them, shall deem such person of insufficient ability or otherwise unfit to become a surety on such bond.

SEC. 4. Whoever shall perform or cause to be performed any work or labor, or furnish or cause to be furnished any skill or material (including any work, labor, skill or material necessary in the repair of any tool or machine, also including any tool or machine or material furnished particularly for such contract, and used thereon), in the execution of such contract, at the request of the contractor, his agents, heirs, administrators, executors or assigns, or at the request of any subcontractor, his agents, heirs, administrators, executors or assigns, or at the request of the board of public works of said city, in case said board shall have determined such contract and shall complete the same as herein provided, shall be considered a party in interest in said bond, and may bring an action thereon in his own name for the reasonable value or agreed price (as the case may be) of the work or labor performed, or skill or material furnished by him. The city of St. Paul shall also be considered a party in interest in said bond, and may bring an action thereon whenever any such contract shall have become ended or void, and the board of public works shall have completed the same, as in this act provided.

SEC. 5. Before any contractor, his agent, heirs, administrators or assigns, shall receive any estimate on any such contract with said city of St. Paul, he, his heirs, administrators, executors or assigns, shall make and file with the city comptroller an affidavit that all claims for all work and labor to date, and for which an estimate is asked, have been fully paid.

SEC. 6. No contract with said city for the doing of any public work shall hereafter be assigned or transferred in any manner, and any assignment or transfer, except by operation of law, of any such contract, shall fully end and determine such contract and shall make the same null and void as to any further performance thereof by the contractor or his assigns, without any act on the part of said city; and the board of public works of said city shall at once proceed to relet such contract, or said board may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor and his bondsmen.

Any bidder for city work has the option to make a deposit of a certified check or cash in lieu of giving the bidder's bond required by the charter of said city.

SEC. 7. No assignment, transfer, abandonment or surrender, either voluntary or otherwise, of any contract with said city for the doing of any work or labor, or the furnishing of any skill or material, nor any change in any such contract, nor any extension of time in which to complete any such contract, shall ever operate to release the sureties on the bond in this act provided for; and no such assignment, transfer, abandonment, surrender, change, or extension of time shall ever be pleaded as a defense to any action upon such bond in any court in this state.

SEC. 8. The board of public works of the city of St. Paul may, whenever in their judgment one (1) or more of the sureties on such bond have become insolvent, or for any cause are no longer fit and sufficient sureties, require any such contractor to file a new or additional bond within ten (10) days after notice to that effect; and thereupon all work on such contract shall cease until such additional bond shall be filed with the city comptroller of said city, and if any such contractor shall fail for ten (10) days after notice to that effect to file

a new or additional bond, as aforesaid, his contract shall by that fact alone become fully ended and void as to any further performance thereof by such contractor. And thereupon said board of public works shall proceed to relet such contract, or said board may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor or his bondsmen.

SEC. 9. If any such contract shall for any reason become ended or void, and the board of public works shall complete the same, as in this act provided, and the costs of so completing such contract shall exceed the amount unpaid by said city upon such contract at the time the same shall become ended or void, in such case it shall be the duty of the city attorney of the city of St. Paul to at once commence an action in the name of said city against such contractor and his bondsmen for the recovery of the difference in amount between the costs of so completing such contract and the amount unpaid by said city upon such contract at the time the same became ended or void.

SEC. 10. The board of public works of the city of St. Paul are hereby prohibited from entering into any contract for the doing of any work or labor, or the furnishing of any skill or material, with any person, who, within two (2) years prior thereto, shall have made default in the payment of any just claim for any work or labor performed, or for any skill or material furnished pursuant to any such contract with said city; or with any person who, within two (2) years prior thereto, shall have assigned, abandoned, surrendered, or failed to complete any such contract; or who shall have failed to comply with any of the provisions in this act.

SEC. 11. Whoever shall become surety on any such bond and shall take and subscribe the oath provided for in section two (2) of this act, who, at the time, is not a resident of the State of Minnesota, or who is then not seized in fee of real estate in the State of Minnesota of the value and worth the sum specified in such bond (or so much of said bond as he becomes surety for) over and above all incumbrances thereon, exclusive of his property exempt by law from sale or execution, is guilty of perjury; and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one (1) year nor more than five (5) years.

SEC. 12. Whoever shall make the affidavit required in section six (6) of this act, and shall receive and cause to be received from said city of St. Paul, by himself, his agents, attorneys or assigns, any such estimate, or any part thereof, while any such claim for work or labor remains unpaid, and for the recovery of which an action might be maintained on the bond herein provided for, is guilty of perjury; and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one (1) year nor more than five (5) years.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, save that nothing herein contained shall be construed or operate to abrogate, or change any contract or bond now made and operative or in any manner to affect the provisions of section seven (7) of Chapter three (3) of the General Laws of Minnesota for eighteen hundred and eighty-five (1885), entitled "An act to amend an act entitled an act to authorize the organization and incorporation of annuity, safe deposit and trust companies, approved March fifth (5th), one thousand eight hundred and eighty-three

(1883), " approved March fifth (5th), eighteen hundred and eighty-five (1885); but all right and authority conferred by said section shall continue to exist notwithstanding any of the provisions of this act, and any corporation duly organized and having authority to act under the terms of such section may become sole surety under any bond required by the provisions of this act, and in such case so much of the provisions of section one (1) of this act as relate to two (2) or more good and sufficient sureties shall be construed to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions of section two (2), three (3) or eleven (11) of this act shall apply in such case.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 17.

[H. F. No. 781.]

AN ACT AUTHORIZING THE CITY OF ST. PAUL TO CONVEY TO THE UNITED STATES LOTS THREE (3), FOUR (4) AND FIVE (5) OF BLOCK EIGHT (8) OF RICE & IRVINE'S ADDITION TO ST. PAUL, IN RAMSEY COUNTY IN THE STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of St. Paul, in Ramsey county, Minnesota, is hereby authorized and empowered to convey the title in fee, without additional consideration being received, to the United States, lots three (3), four (4) and (5) of block eight (8) of Rice & Irvine's addition to St. Paul, in said Ramsey county; the said United States intending to erect thereon a post office or government building.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

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## CHAPTER 18.

[H. F. No. 837.]

AN ACT TO CEDE TO THE UNITED STATES JURISDICTION OVER CERTAIN TERRITORY IN THE CITY OF ST. PAUL, MINNESOTA, AND GRANTING THE CONSENT OF THE LEGISLATURE TO THE PURCHASE OF THE SAME BY THE UNITED STATES, AS PROVIDED BY SECTION THREE HUNDRED AND FIFTY-FIVE (355) OF THE REVISED STATUTES OF THE UNITED STATES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the consent of the legislature of the state of Minnesota be and the same is hereby granted to the United States, to acquire by gift or purchase and to hold in this state for the purpose

of erecting a building thereon to be used as a post office and for such other purposes as the United States may deem proper, in the city of St. Paul, the following described tracts or parcels of land, to-wit:

Lots number one (1) and two (2) of block number eight (8) in Rice & Irvine's addition to the city of St. Paul, according to the recorded plat thereof on file in the office of the register of deeds of the county of Ramsey, State of Minnesota, all of which above described real estate the city of St. Paul is authorized and empowered, upon obtaining title thereto, to donate to the United States for the purpose of erecting a building thereon to be used as a post office, and for such other purposes as the United States may deem proper. And exclusive jurisdiction is hereby ceded to the United States over the above described real estate during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of this state and the service of civil process therein.

SEC. 2. The secretary of state shall, within one (1) month after the title to said land is vested in the United States, cause a map of the same to be made showing definitely the boundaries thereof, and shall file the same in his office and make a proper record thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 19.

[H. F. No. 839.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER THREE HUNDRED AND TWENTY-SIX (326) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED "AN ACT TO CEDE TO THE UNITED STATES JURISDICTION OVER CERTAIN TERRITORY IN THE CITY OF ST. PAUL, MINNESOTA, AND GRANTING THE CONSENT OF THE LEGISLATURE TO THE PURCHASE OF THE SAME BY THE UNITED STATES, AS PROVIDED BY SECTION THREE HUNDRED AND FIFTY-FIVE (355) OF THE REVISED STATUTES OF THE UNITED STATES," APPROVED FEBRUARY TENTH (10TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AND TO REPEAL SECTION THREE (3) OF SAID CHAPTER THREE HUNDRED AND TWENTY-SIX (326).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter three hundred and twenty-six (326) of the Special Laws of the State of Minnesota of one thousand eight hundred and eighty-seven (1887), entitled "An act to cede to the United States jurisdiction over certain territory in the city of St. Paul, Minnesota, and granting the consent of the legislature to the purchase of the same by the United States, as provided by section three hundred and fifty-five (355) of the Revised Statutes of the United States," approved February tenth (10th), one thousand eight hundred and eighty-seven (1887), be, and the same is hereby, amended so as to read as follows:

Section 1. That the consent of the legislature of the State of Minnesota be, and the same is hereby, granted to the United States to acquire by gift or purchase, and to hold in this state, for the purpose of erecting a building thereon, to be used as a post office, and for such other purposes as the United States may deem proper, in the city of St. Paul, the following described tracts or parcels of land, to-wit: Lots number five (5), four (4) and three (3) of block eight (8), in Rice & Irvine's addition to the city of St. Paul, according to the recorded plat thereof on file in the office of the register of deeds of the county of Ramsey, State of Minnesota, all of which above described real estate the city of St. Paul is authorized and empowered, upon obtaining title thereto, to donate to the United States for the purpose of erecting a building thereon to be used as a post office, and for such other purposes as the United States may deem proper. And exclusive jurisdiction is hereby ceded to the United States over the above described real estate, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of this state and the service of civil process therein.

SEC. 2. That section three (3) of chapter three hundred and twenty-six (326) mentioned in this act be, and the same is hereby, repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 20.

[S. F. No. 137.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE CITY OF SAINT PAUL TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING LAKE COMO AND ITS SHORES, AND MAKE THE SAME PART OF COMO PARK IN SAID CITY," APPROVED APRIL SEVENTEENTH (17th), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of an act entitled "An act authorizing the city of St. Paul to issue bonds for the purpose of improving Lake Como and its shores, and make the same part of Como park, in said city," approved April seventeenth (17th), A. D. one thousand eight hundred and eighty-nine (1889), be and same is hereby amended so as to read as follows:

Sec. 2. That said bonds shall not be issued until the fee of the land comprising the shores of said lake, of a width to be approved by the St. Paul park commission, shall have first been obtained from the owners thereof by said city, and said city is hereby authorized to receive the fee of said lands from the owners thereof by deed or other-

wise; *Provided*, that all deeds taken by said city under this act, in acquiring the fee of the land comprising the shores of said lake, shall be recorded by the register of deeds of Ramsey county, Minnesota, without requiring the certificate of the county auditor, county treasurer and city treasurer that the taxes and assessments thereon have been paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 26, A. D. 1891. .

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## CHAPTER 21.

H. F. No. 368.]

AN ACT PROHIBITING THE CITY OF ST. PAUL FROM ISSUING BONDS IN CERTAIN CASES NAMED HEREIN PRIOR TO MAY FIRST (1st), A. D. ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE (1893).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of St. Paul is hereby prohibited from selling or issuing, or attempting to sell or issue prior to the first (1st) day of May, A. D. one thousand eight hundred and ninety-three (1893), any of the bonds authorized and provided for in each of the following cases, viz.:

*First*—The bonds named in Chapter five hundred and eighty-one (581) of the Special Laws for the year one thousand eight hundred and eighty-nine (1889), same being bonds to be issued for the purchase of a site for a public library building, same being for fifty thousand dollars (\$50,000).

*Second*—The following bonds named in Chapter two hundred and sixty-two (262) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), namely: Bonds for purchasing or aiding to purchase Mary McManus' rearrangement of block twenty-two (22) in Olivier's addition and Banning & Olivier's addition to West St. Paul, the same being in the sum of ten thousand dollars (\$10,000), and the bonds named in said act for the improvement and maintenance of the boulevard on Summit avenue, same being for the sum of twenty-five thousand dollars (\$25,000), and the bonds named in said act for the construction of an iron bridge over Phalen creek valley on Maria avenue extended, the same being for the sum of fifty thousand dollars (\$50,000).

*Third*—So much of the bonds as have not already been issued of the bonds provided for in Chapter two hundred and sixty-four (264) of the Special Laws of one thousand eight hundred and eighty-nine (1889), the same being bonds to be issued for the improvement of the West St. Paul levee, the same being originally for the sum ninety thousand dollars (\$90,000).



*Fourth*—The bonds authorized to be issued for the improvement and maintenance of public parks, named in Chapter two hundred and sixty-two (262) of the Special Laws of one thousand eight hundred and eighty-nine (1889), the same being for fifty thousand dollars (\$50,000).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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## CHAPTER 22.

[S. F. No. 524.]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. PAUL TO APPROPRIATE MONEY FOR THE ERECTION AND MAINTENANCE OF PUBLIC BATH HOUSES AND SWIMMING SCHOOLS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of St. Paul is hereby authorized to appropriate and expend, out of any funds in the treasury not otherwise appropriated, a sum not exceeding ten thousand dollars (\$10,000), whenever deemed advisable, for the purpose of erecting and maintaining public bath houses and swimming schools in said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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## CHAPTER 23.

[H. F. No. 841.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO ISSUE CERTIFICATES OF INDEBTEDNESS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of St. Paul is hereby authorized and empowered to issue and negotiate certificates of indebtedness to the amount of not to exceed sixty thousand (60,000) dollars for the purchase of lots number one (1) and two (2) of block number eight (8) in Rice & Irvine's addition to the city of St. Paul.

SEC. 2. Said certificates of indebtedness shall be payable at such times as the common council may order and direct, and shall bear interest at a rate not to exceed seven (7) per cent per annum, payable semi-annually at the office of the treasurer of said city.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

## CHAPTER 24.

[H. F. No. 1257.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO ISSUE CERTIFICATES OF INDEBTEDNESS FOR THE PURPOSE OF PAVING THIRD STREET, FROM BROADWAY TO THE EAST ABUTMENT OF THIRD STREET BRIDGE, AND FOR THE PURPOSE OF PAYING ITS PROPORTION OF THE COST OF THE LEXINGTON AVENUE BRIDGE ACROSS THE GREAT NORTHERN RAILWAY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of St. Paul is hereby authorized and empowered to issue certificates of indebtedness to the amount of not exceeding ten thousand (10,000) dollars for the purpose of paving Third street from Broadway to the east abutment of the Third street bridge; *Provided*, that only so much of said ten thousand dollars (\$10,000) shall be issued as may be necessary to pay the proportionate amount of the cost of said improvement chargeable to property benefited which is by law exempt from taxation. Said city is also hereby authorized and empowered to issue certificates of indebtedness to an amount not exceeding six thousand (6,000) dollars for the purpose of paying its proportion of the cost of the bridge on Lexington avenue across the right of way and railroad of the Great Northern Railway Company. Said certificates shall be issued in such denominations as the common council of the city of St. Paul may determine, and none of said certificates shall be negotiated or sold for less than par, and they shall bear interest at the rate of not to exceed six (6) per centum per annum, payable semi-annually at the financial agency of the city of St. Paul in the city of New York; and the principal thereof shall be payable July first (1st), A. D. one thousand eight hundred and ninety-two (1892), at the financial agency of the city of St. Paul, in the city of New York.

SEC. 2. Said certificates of indebtedness shall be issued by the common council of the city of St. Paul and the proceeds thereof shall be expended under the direction of the board of public works of said city.

SEC. 3. For the purpose of raising the necessary funds with which to redeem said certificates when due, said common council is hereby authorized and directed to levy taxes upon the taxable property within the limits of said city, the necessary amount to be included in the tax levy of the year eighteen hundred and ninety-one (1891).

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.

## CHAPTER 25.

[H. F. No. 239.]

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEVENTY (170) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), BEING AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. PAUL AND THE BOARD OF COUNTY COMMISSIONERS OF RAMSEY COUNTY TO ISSUE ADDITIONAL BONDS FOR THE PURCHASE OF LAND FOR A COUNTY JAIL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That Chapter one hundred and seventy (170) of the Special Laws of the year one thousand eight hundred and eighty-seven (1887) be and the same hereby is repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 27, A. D. 1891.

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## CHAPTER 26.

[S. F. No. 174.]

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FIFTY-SIX (356) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT AND PRESCRIBE THE DUTIES OF A BOARD OF LEVEE COMMISSIONERS FOR THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. Chapter three hundred and fifty-six (356), of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), entitled "An act to provide for the appointment and prescribe the duties of a board of levee commissioners for the city of St. Paul," is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 26, 1891.

## CHAPTER 27.

[H. F. No. 134.]

**AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FORTY-NINE (449) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO REGULATE THE SERVICE OF PROCESS OF THE JUSTICES' COURTS IN AND FOR THE CITY OF SAINT PAUL, COUNTY OF RAMSEY," AND TO REVIVE ALL ACTS AND PARTS OF ACTS REPEALED BY SAID CHAPTER.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** Chapter four hundred and forty-nine (449) of the Special Laws of one thousand eight hundred and eighty-nine (1889), entitled "An act to regulate the service of process of the justices' courts in and for the city of St. Paul, county of Ramsey," approved March twentieth (20th), one thousand eight hundred and eighty-nine (1889), is hereby repealed.

**SEC. 2.** All acts and parts of acts repealed by said Chapter four hundred and forty-nine (449) of the Special Laws of one thousand eight hundred and eighty-nine (1889), are hereby revived.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved March 7, A. D. 1891.

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## CHAPTER 28.

[S. F. No. 395.]

**AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO OPEN, WIDEN, STRAIGHTEN AND EXTEND THE STREET KNOWN AS ANNAPOLIS STREET, EXTENDING BETWEEN SECTIONS NINE (9) AND SIXTEEN (16), EIGHT (8) AND SEVENTEEN (17), AND SEVEN (7) AND EIGHTEEN (18), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-FIVE (25) WEST, AND BETWEEN SECTIONS TWELVE (12) AND THIRTEEN (13), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23) WEST, FROM THE MISSISSIPPI RIVER ON THE EAST TO THE WEST LINE OF BLOCK EIGHTY-EIGHT (88), BANNING & OLIVIER'S ADDITION TO WEST ST. PAUL," APPROVED APRIL TWENTY-THIRD (23d), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), AND TO PROVIDE FOR THE REPAYMENT OF ANY AMOUNTS COLLECTED UPON ANY ASSESSMENTS MADE PURSUANT TO THE AUTHORITY CONFERRED BY SAID ACT.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the act of the legislature of the state of Minnesota approved April twenty third (23d), A. D. one thousand eight hundred and eighty-nine (1889), and entitled "An act to open, widen, straighten and extend the street known as Annapolis street, extending

between sections nine (9) and sixteen (16), eight (8) and seventeen (17), and seven (7) and eighteen (18), township twenty-eight (28), range twenty-five (25) west, and between sections twelve (12) and thirteen (13), township twenty-eight (28), range twenty-three (23) west, from the Mississippi river on the east to the west line of block eighty-eight (88), Banning & Olivier's addition to West St. Paul," be and the same is hereby in all things repealed.

SEC. 2. That any and all assessments made under and pursuant to the authority conferred by said act are hereby in all things annulled, and the county auditors of Ramsey county and Dakota county are hereby authorized, empowered and directed to cancel any and all assessments made under the authority conferred by said act, that appear from the records of their respective offices, so that any and all real estate that may have been assessed pursuant to the said act shall appear and be free and clear of any and all such assessments.

SEC. 3. That the counties of Ramsey and Dakota are hereby authorized, empowered and directed to refund and repay to the parties entitled thereto any and all amounts that have been paid into the respective treasuries of said counties on account of any assessment that has been made under the authority conferred by said act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 18, A. D. 1891.

## CHAPTER 29.

[S. F. No. 416.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO CONDEMN LAND FOR A STREET KNOWN AS ANNAPOLIS STREET, EXTENDING BETWEEN SECTIONS NINE (9) AND SIXTEEN (16), EIGHT (8) AND SEVENTEEN (17), AND SEVEN (7) AND EIGHTEEN (18), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-TWO (22) WEST, AND BETWEEN SECTIONS TWELVE (12) AND THIRTEEN (13), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23) WEST, FROM THE MISSISSIPPI RIVER ON THE EAST TO THE WEST LINE OF BLOCK EIGHTY-EIGHT (88), BANNING & OLIVIER'S ADDITION TO WEST ST. PAUL, AND TO GRADE SAID STREET WHEN THE LAND THEREFOR HAS BEEN CONDEMNED.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the city of St. Paul be and is hereby authorized and empowered to condemn land for a street, to be called Annapolis street, between sections nine (9) and sixteen (16), eight (8) and seventeen (17), and seven (7) and eighteen (18), of township twenty-eight (28), range twenty-two (22) west of the [fourth (4th)] principal meridian and between sections twelve (12) and thirteen (13), township twenty-eight (28), range twenty-three (23) west of the fourth (4th) principal meridian, in the counties of Ramsey and Dakota, from the Mississippi river on the east to the west line of block eighty-eight (88), Banning & Olivier's addition to West St. Paul, and to establish the grade thereof and to grade the same; *Provided*, that said Annapolis street shall be made of a general width of sixty (60) feet.

**SEC. 2.** The said city of St. Paul shall, in condemning land for said street, proceed in every respect as is provided in the charter of said city for the condemnation of land for streets in said city, and shall award damages for lands condemned and assess benefits therefor as provided in said city charter, whether the lands condemned and the lands upon which benefits are assessed are situate in said city of St. Paul or in the county of Dakota, in said state, and all the provisions of the city charter of said city relating to the condemnation of lands for streets are hereby made applicable to the condemnation of lands for said Annapolis street, as herein described.

That upon the confirmation of the award of damages and assessment of benefits the title to the lands so condemned, which are situate in the city of St. Paul, shall vest in said city of St. Paul in fee simple, and the title of the lands condemned, and which are situate in the city of South St. Paul, shall vest in said city of South St. Paul in fee simple, and the title of the lands condemned, and which are situate in the city of West St. Paul, shall vest in said city of West St. Paul in fee simple, and the title of the lands condemned, and which are situate in the township of Mendota, in Dakota county, shall vest in said township in fee simple.

**SEC. 3.** Before the grading of said street the common council shall cause to be established, under the direction of the city engineer of said city, the grade of said street, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Ramsey county and one in the office of the register of deeds of Dakota county.

**SEC. 4.** That after the completion of said condemnation proceedings the city of St. Paul shall proceed to grade said Annapolis street; *Provided, however,* that the matter of grading said street shall not be placed under contract until the owners of a majority of the real estate fronting on said street shall have petitioned for the grading of said street; that all the provisions of the charter of said city relating to the grading of streets, making assessments of benefits upon property benefited by reason of the grading of streets and the collection of such assessments, are hereby in all respects made applicable to the grading of said street; and the assessment to pay the cost of said grading shall be made upon the real estate benefited thereby in the manner as provided in said city charter, whether such real estate is situate in the city of St. Paul or in the county of Dakota.

**SEC. 5.** This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 30.

[S. F. No. 69.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO REIMBURSE CERTAIN PERSONS OR CORPORATIONS THEREIN DESCRIBED FOR MONEY PAID FOR THE PURPOSE OF HAVING STREETS, ALLEYS OR HIGHWAYS VACATED UNDER THE PROVISIONS OF CHAPTER TWENTY-SEVEN (27) OF THE SPECIAL LAWS OF MINNESOTA OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the city of St. Paul is hereby authorized and empowered to reimburse all persons or corporations who have paid any sum or sums of money into the treasury of said city for the purpose of having any streets, alleys or highways vacated or discontinued, under the provisions of Chapter twenty-seven (27) of the Special Laws of Minnesota of eighteen hundred and eighty-nine (1889), by repaying to said persons or corporations, out of any money in the treasury of said city not otherwise appropriated, the sum or sums so paid by said persons or corporations, under the provisions of said Chapter twenty-seven (27), where an amount of land shall have been dedicated by such persons or corporations, as a part of or at the time of said vacation, to public use as a street, alley or highway, equivalent in value and area to the amount of land in the street, alley or highway vacated, the said values to be fixed by resolution of the common council; *Provided, however*, this act shall not authorize any sum to be paid to such persons or corporations greater in amount than the amount heretofore paid into the treasury by such persons or corporations.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 12, A. D. 1891.

## CHAPTER 31.

[S. F. No. 876.]

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF ST. PAUL TO CONDEMN CERTAIN LOTS AND REAL ESTATE FOR PUBLIC USE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of St. Paul be and it is hereby authorized and empowered to condemn, for the purpose of a public building site, a public park, or other public purpose, all or any portion of lots one (1) and two (2) of block eight (8) of Rice & Irvine's addition to St. Paul, in Ramsey county, Minnesota.

In condemning said lands said city may either proceed as is provided for condemnation of lands for local improvements in said city and as provided by Chapter seven (7) of the Special Laws of the year eighteen hundred and eighty-seven (1887) as amended, except that the

cost of said improvement shall be assessed against the city of St. Paul and shall be paid for out of the general fund of said city, or may, at its option, proceed under the provisions of any other law authorizing condemnation proceedings applicable thereto.

Upon the confirmation of the final assessment and award of damages by the board of public works of said city, or by the court, as the case may be, and the payment or tender of said award by said city to the owners of said property of said real estate, and the title thereto shall vest in the city of St. Paul in fee simple.

If the owners of said land so condemned shall refuse to accept the damages awarded therefor, and if the ownership of said lands shall be in doubt, then and in either cases it shall be sufficient payment of said award by said city to deposit the same with the clerk of the district court for said Ramsey county for the use of the owners and incumbrances at any time within six (6) months from the date of final confirmation of such award, with interest thereon from the date of such confirmation to date of such deposit. The damages awarded for said land shall be a general charge against the city of St. Paul, and shall be paid within six (6) months after the confirmation of the assessment and award of damages for said real estate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 32.

[H. F. No. 746.]

AN ACT TO REPEAL SECTION TWENTY-FOUR (24) OF CHAPTER SEVEN (7) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), AS AMENDED BY CHAPTER SIXTY (60) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889.)

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section twenty-four (24), of Chapter seven (7), of the Special Laws of the year one thousand eight hundred and eighty-five (1885), as amended by Chapter sixty (60) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.



## CHAPTER 30.

[S. F. No. 69.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO REIMBURSE CERTAIN PERSONS OR CORPORATIONS THEREIN DESCRIBED FOR MONEY PAID FOR THE PURPOSE OF HAVING STREETS, ALLEYS OR HIGHWAYS VACATED UNDER THE PROVISIONS OF CHAPTER TWENTY-SEVEN (27) OF THE SPECIAL LAWS OF MINNESOTA OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the city of St. Paul is hereby authorized and empowered to reimburse all persons or corporations who have paid any sum or sums of money into the treasury of said city for the purpose of having any streets, alleys or highways vacated or discontinued, under the provisions of Chapter twenty-seven (27) of the Special Laws of Minnesota of eighteen hundred and eighty-nine (1889), by repaying to said persons or corporations, out of any money in the treasury of said city not otherwise appropriated, the sum or sums so paid by said persons or corporations, under the provisions of said Chapter twenty-seven (27), where an amount of land shall have been dedicated by such persons or corporations, as a part of or at the time of said vacation, to public use as a street, alley or highway, equivalent in value and area to the amount of land in the street, alley or highway vacated, the said values to be fixed by resolution of the common council; *Provided, however*, this act shall not authorize any sum to be paid to such persons or corporations greater in amount than the amount heretofore paid into the treasury by such persons or corporations.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 12, A. D. 1891.

## CHAPTER 31.

[S. F. No. 876.]

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF ST. PAUL TO CONDEMN CERTAIN LOTS AND REAL ESTATE FOR PUBLIC USE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of St. Paul be and it is hereby authorized and empowered to condemn, for the purpose of a public building site, a public park, or other public purpose, all or any portion of lots one (1) and two (2) of block eight (8) of Rice & Irvine's addition to St. Paul, in Ramsey county, Minnesota.

In condemning said lands said city may either proceed as is provided for condemnation of lands for local improvements in said city and as provided by Chapter seven (7) of the Special Laws of the year eighteen hundred and eighty-seven (1887) as amended, except that the

cost of said improvement shall be assessed against the city of St. Paul and shall be paid for out of the general fund of said city, or may, at its option, proceed under the provisions of any other law authorizing condemnation proceedings applicable thereto.

Upon the confirmation of the final assessment and award of damages by the board of public works of said city, or by the court, as the case may be, and the payment or tender of said award by said city to the owners of said property of said real estate, and the title thereto shall vest in the city of St. Paul in fee simple.

If the owners of said land so condemned shall refuse to accept the damages awarded therefor, and if the ownership of said lands shall be in doubt, then and in either cases it shall be sufficient payment of said award by said city to deposit the same with the clerk of the district court for said Ramsey county for the use of the owners and incumbrances at any time within six (6) months from the date of final confirmation of such award, with interest thereon from the date of such confirmation to date of such deposit. The damages awarded for said land shall be a general charge against the city of St. Paul, and shall be paid within six (6) months after the confirmation of the assessment and award of damages for said real estate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 32.

[H. F. No. 746.]

AN ACT TO REPEAL SECTION TWENTY-FOUR (24) OF CHAPTER SEVEN (7) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), AS AMENDED BY CHAPTER SIXTY (60) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889.)

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section twenty-four (24), of Chapter seven (7), of the Special Laws of the year one thousand eight hundred and eighty-five (1885), as amended by Chapter sixty (60) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 33.

[S. F. No. 568.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO PAY FOR LANDS CONDEMNED FOR A LEVEE IN THE SIXTH (6th) WARD OF SAID CITY, UNDER PROCEEDINGS HAD BY SAID CITY FOR THE CONDEMNATION AND TAKING OF LAND FOR A STREET OR LEVEE IN THE SIXTH (6th) WARD OF SAID CITY FROM STATE STREET TO THE CENTRE LINE OF MISSOURI STREET, AS CONFIRMED BY THE BOARD OF PUBLIC WORKS JULY EIGHTEENTH (18th), ONE THOUSAND EIGHT HUNDRED AND NINETY (1890), AND ALSO UNDER OTHER CONDEMNATION PROCEEDINGS HAD BY SAID CITY FOR THE CONDEMNATION AND TAKING OF LAND FOR A STREET OR LEVEE IN THE SIXTH (6th) WARD OF SAID CITY, FROM MISSOURI STREET TO DELOS STREET, AS CONFIRMED BY THE BOARD OF PUBLIC WORKS JULY EIGHTEENTH (18th), ONE THOUSAND EIGHT HUNDRED AND NINETY (1890), OUT OF THE UNEXPENDED BALANCE REMAINING IN THE CITY TREASURY AS BELONGING TO THE FUND COLLECTED UPON THE ASSESSMENT AS CONFIRMED BY THE BOARD OF PUBLIC WORKS JULY TWENTY-EIGHTH (28th), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO (1882), FOR THE OPENING, EXTENDING AND WIDENING A STREET OR LEVEE ALONG THE MISSISSIPPI RIVER FROM THE SOUTH LINE OF THE CITY IN SECTION NINE (9), TOWN TWENTY-EIGHT (28), RANGE TWENTY-TWO (22), TO THE SOUTH LINE OF THE CITY IN SECTION TWELVE (12), TOWN TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), IN THE SIXTH (6th) WARD OF SAID CITY, TAKING A STRIP OF LAND TWO HUNDRED (200) FEET WIDE ALONG THE WEST SIDE OF THE MISSISSIPPI RIVER.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the city of St. Paul is hereby authorized and directed to pay to the owner of the real estate, or to the parties entitled thereto, the balance of damages awarded them for each piece and parcel of land taken and condemned by said city under proceedings had by said city for the condemnation and taking of land for a street or levee in the Sixth (6th) ward of said city, from State street to the centre line of Missouri street, as confirmed by the board of public works of said city July eighteenth (18th), one thousand eight hundred and ninety (1890), and also for land taken and condemned by said city under proceedings had by said city for the condemnation and taking of land for street or levee in the Sixth (6th) ward of said city, from Missouri street to Delos street, as confirmed by the board of public works of said city July eighteenth (18th), one thousand eight hundred and ninety (1890).

SEC. 2. Said city of St. Paul is hereby directed and authorized to pay the damages mentioned in section one (1) of this act, out of the unexpended balance remaining in the city treasury, as belonging to the fund collected upon the assessment as confirmed by the board of public works July twenty-eighth (28th), one thousand eight hundred

and eighty-two (1882), for the opening, extending and widening a street or levee along the Mississippi river from the south line of the city in section nine (9), town twenty-eight (28), range twenty-two (22), to the south line of the city in section twelve (12), town twenty-eight (28), range twenty-three (23), in the Sixth (6th) ward of said city, taking a strip of land two hundred (200) feet wide along the west side of the Mississippi river.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1891.

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## CHAPTER 34.

[S. F. No. 639.]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. PAUL TO LEASE THE LEVEE, OR ANY PART OF THE LEVEE, KNOWN AS THE WEST ST. PAUL LEVEE, IN THE SIXTH (6th) WARD OF THE CITY OF ST. PAUL, AND TO VALIDATE AND CONFIRM ANY ORDINANCE HERETOFORE PASSED FOR SUCH PURPOSE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of St. Paul are hereby authorized, by ordinance, to lease to any person, persons, company or corporation any part or portions of the levee known as the West St. Paul levee, in the sixth (6th) ward of the city of St. Paul, Minnesota, as the same is designated and shown by the maps on file in the office of the city engineer of the city of St. Paul, the said leases to be for such purposes and upon such terms and for such a length of time as the common council of said city shall prescribe.

SEC. 2. Any ordinance or ordinances heretofore passed, for the purpose of leasing any part of the said levee to any person, company or corporation, are hereby confirmed and made valid as fully as though said ordinance or ordinances had been passed subsequent to the passage of this act; *Provided*, the common council shall have no authority to bind, expressly or impliedly, said city to protect any occupant or lessee of said levee in the use and engagement thereof, and this act, in its confirmatory clauses, shall not bind said city to furnish said protection, and this act shall not affect any vested rights. And amended further, by adding, at the end of section two (2), the following words: "*And provided*, that this act shall not apply to that portion of the said levee between the west line of State street and the east line of Missouri street in said city of St. Paul."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 35.

[H. F. No 645.]

AN ACT TO CONSOLIDATE AND AMEND ALL ACTS RELATING TO PARKS AND PARKWAYS OF THE CITY OF ST. PAUL AND THE ORGANIZATION, POWERS AND DUTIES OF THE BOARD OF PARK COMMISSIONERS OF SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. There is hereby confirmed and established a board of park commissioners, in and for the city of St. Paul, Ramsey county, Minnesota, which shall hereafter consist of four (4) members, to be appointed as hereinafter provided, all of whom shall continue in office until the expiration of their several terms, and until their successors are appointed and qualified, as by law provided.

SEC. 2. The members of said board shall be residents and freeholders of said city, and shall be appointed by the mayor of said city of St. Paul.

Two (2) of said members shall be appointed for the term of one (1) year, and two (2) for the term of two (2) years, from and after March first (1st), one thousand eight hundred and ninety-one (1891), and thereafter the terms of office of their several successors shall be two (2) years. The mayor shall, as soon as practicable after the passage of this act, appoint members of said board for the terms aforesaid, and shall thereafter, on or before the first (1st) day of March, of each year, make appointments to fill the vacancies in said board, occurring on said first (1st) of March. Vacancies in the said board, if they should occur at other times, shall be forthwith filled in the same manner for the unexpired term or terms; but the resignation of a member shall not take effect until his successor has been appointed and has qualified. Upon the appointment and qualification of members of the said board, appointed under the provisions of this section, the terms of office of the present members of said board shall forthwith cease and terminate.

SEC. 3. Each person appointed as a member of the board of park commissioners shall, before entering upon the discharge of his duties, file a written acceptance and oath of office in the office of the city clerk of said city.

The said board of park commissioners shall elect, at its first (1st) regular meeting after the first (1st) of March, in each year, from the members of the said board, a president and a vice president.

It shall also appoint such agents and employes as it shall deem necessary, whose compensation shall be fixed by the board of park commissioners, with the approval of the common council, and shall be paid out of the park fund.

SEC. 4. The city clerk shall be *ex-officio* secretary of said board and shall receive from said park fund such compensation therefor as shall be allowed by the board of park commissioners, with the approval of the common council, which shall not exceed the sum of one hundred (100) dollars in any one year, and is authorized and empowered to

administer oaths in all proceedings under this act and incident thereto. He shall keep an accurate record of all the proceedings of said board.

SEC. 5. Said board shall have a common seal, and shall be capable of entering into, performing and enforcing contracts on behalf of the city of St. Paul provided for by this act, which said instruments shall be executed by the president or vice president and secretary of the said board and sealed with its seal.

SEC. 6. The secretary shall submit to the said board at its first (1st) regular meeting in each year a detailed report of the transactions of the board for the year preceding, and such other information as may be necessary for the conduct of its business or required by the board.

SEC. 7. Said board may adopt rules governing its meetings and proceedings and the duties of its officers and employees.

SEC. 8. A majority of the members of said board shall constitute a quorum; but a less number may adjourn a meeting from time to time.

The affirmative vote of three-fourths ( $\frac{3}{4}$ ) of all the members of the board shall be necessary for the designating or acquiring of lands, which vote shall be taken by ayes and noes and entered in full in the records of the board.

SEC. 9. Said board shall publish an annual report of its general proceedings, containing a statement of its receipts and expenditures, which statement shall be submitted to the city comptroller and audited by him.

SEC. 10. Said commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses, incurred in performing their official duties, as may be allowed by said board.

SEC. 11. No commissioner shall be interested in any contract made under the authority of said board, or in any lands to be acquired by said board, except that, if any commissioner shall be the owner of or interested in any lands which may be designated or appropriated under the provisions of this act, he shall be entitled to receive compensation therefor as provided herein, but shall not act officially in respect to any matter in which he may be pecuniarily interested.

SEC. 12. The office of any commissioner under this act, who shall not attend the meetings of the board for two (2) consecutive meetings, without reason satisfactory to the board, or without leave of absence from it, may, by said board, be declared, and thereupon shall become, vacant.

SEC. 13. Said board shall have the management and control of all existing and future acquired parks and parkways of said city, and may from time to time designate and acquire lands for park purposes, within the corporate limits of said city, as hereinafter provided.

SEC. 14. Lands may be so acquired in the name of said city by gift, devise, purchase or condemnation, as hereinafter provided, and upon obtaining title thereto, said board may assume possession and control thereof.

Said board may also accept and receive donations of money, and property for the use of said city for park purposes.

SEC. 15. When the board of park commissioners shall deem it to be for the public interest that any tract or tracts, parcel or parcels of land

shall be condemned for the use of said city for any public park, or parks or parkways, within the limits of said city, and shall so determine by resolution of said board, it shall make an order directing the city engineer to make a survey thereof, a copy of which order, together with a general description of said lands, shall be certified to by the secretary of said board, and by him transmitted to the city engineer, who shall forthwith cause a survey, and two (2) plats thereof to be made and transmitted to said board.

SEC. 16. Said board of park commissioners may contract in the name of said city of St. Paul for the purchase of the lands, or any part of the lands, designated by it for park purposes, to be paid for in the same manner as other lands so designated, the damages or compensation for which are appraised by the board of public works of said city of St. Paul, as hereinafter provided, and the purchase price for the same shall be paid out of the moneys applicable to the purchase of said lands for park purposes when all of it shall have been collected. Said purchase price shall bear interest after the final completion of the assessment hereinafter authorized, at such rate, not to exceed seven (7) per cent per annum, as may be agreed upon in said contract; *Provided, however*, such contract shall be executed and recorded before the said board of public works shall have been directed to appraise the damages and assess the benefits as hereinafter described. The sum so agreed upon as the purchase price of said lands shall be taken as the measure of compensation to be appraised by the said board of public works therefor, and shall be reckoned as damages by said board in ascertaining the cost of the property taken in said proceeding, on which it shall base the assessment of benefits to be made. If the proceedings for acquiring said lands so designated shall be abandoned, said contract shall thereupon become void, and in such case the said board of park commissioners shall execute and deliver a release of said contract to the owner of said land, which may be recorded.

SEC. 17. Said board of park commissioners shall have power, and it is hereby authorized, in connection with the said board of public works of the city of St. Paul, and on behalf of the city of St. Paul, to condemn for the use of said city any tract, tracts, parcel or parcels of land or any interest therein which may have been designated as hereinbefore authorized by this act, or which may be included in or form a part of any lands so designated, and when such condemnation shall have been completed and the lands paid for as herein provided, the title to such lands shall pass and be vested in the city of St. Paul. When the said board of park commissioners shall deem it to be for the public interest that any tract or tracts, parcel or parcels of land, or interest therein aforesaid, shall be condemned for the use of said city for any public park or parks or parkways aforesaid within the limits of said city and shall so determine by a resolution of said board, it shall cause the same to be surveyed and platted as hereinbefore provided. It shall also determine by resolution what sum, if any, not to exceed forty (40) per cent of the damages and expenses caused by said condemnation, shall be paid towards the same out of the park fund, as the same then exists, and it shall at the same time by resolution appropriate and set apart such amount from the moneys then in the park fund, the same to be held and applied as herein provided towards the payment of

any damages or compensation that may be awarded in such condemnation proceedings, including the expense of such proceedings; and, except as hereinafter otherwise provided, said moneys so set apart shall remain in the city treasury and be applicable to no other purpose whatsoever. The said board of park commissioners shall thereupon make an order directing the said board of public works to ascertain and determine the amount of the damages or compensation to be paid to the parties thereto by reason of such condemnation, and also to assess the amount of said damages and expenses, less the amount thereof, if any, so appropriated and set apart out of the park fund as aforesaid, on real property specially benefited thereby, in proportion to the benefits accruing to the same, not to exceed said benefits.

A copy of said resolutions and order, together with a copy of said plat, shall be certified by the secretary of the said board of park commissioners, and transmitted to the said board of public works for its action thereon. If any parcel or parcels of the land so designated has been purchased by said board of park commissioners in the manner hereinbefore described, a description of said property, with a statement of the purchase price thereof, shall also be transmitted to said board of public works, who shall take the purchase price agreed to be paid for said property as the amount of damages to be awarded therefor.

SEC. 18. Said board of public works shall forthwith, on receipt of such order, give twenty (20) days' notice by one (1) publication in the official newspaper of said city, of the time and place of its meeting for the purpose of making said assessment, which notice shall specify what such assessment is to be for and shall describe the land to be condemned as nearly as may be done by general description.

SEC. 19. All parties interested in said improvement shall have the right to be present and be heard, either in person or by counsel, and the corporation attorney of said city shall be permitted to attend such hearing, to represent the interests of said city.

SEC. 20. Said board of public works shall view the premises to be condemned, and receive any legal evidence that may be offered for the purpose of determining the true value of or the damages which will be caused or benefits conferred by reason of the contemplated improvement, and for this purpose any member of said board is authorized to administer oaths to any witnesses produced before the board, and said board is authorized to issue subpoenas under the seal of the board, to send for persons and papers and to compel the attendance of witnesses. Said board may adjourn from time to time and from place to place until such assessment is completed.

SEC. 21. Said board of public works in making said assessment shall determine or appraise to the owner or owners the value of the real estate appropriated for the improvement and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowances therefrom for any due share of benefit which such owners may respectively derive from such improvement; and said sum so awarded as damages shall bear interest at the rate of seven (7) per cent per annum from and after the date of the completion of the assessment therefor, as hereinafter provided for, until paid.



SEC. 22. If the damages to any person be greater than the benefits assessed, or if the benefits be greater than the damages, in either case the said board of public works shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible of them or paid to them.

SEC. 23. If there should be any buildings standing in whole or in part upon the land to be taken the said board of public works shall add to its estimate of damages for the land the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person the damages for the building shall be appraised separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by the said board of public works. Such owner may at any time within ten (10) days after publication of notice that said assessment has been confirmed, notify the said board of public works, in writing, of his election to take such building or part of building at its appraisal, and the owner shall have such time for the removal of such building thereafter as the said board of public works shall allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election aforesaid, the board of park commissioners may, after the confirmation of the assessment and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction for cash, giving ten (10) days' public notice of the sale by one (1) publication in the official newspaper of the city, and cause such building to be forthwith removed. The proceeds of such sale shall be paid into the city treasury to the credit of the park fund.

SEC. 24. If the land and building belong to different persons, or if the land be subject to lease, the damage done to such persons or interest respectively may be awarded to them.

SEC. 25. Having ascertained the aggregate damages for the land taken as aforesaid, the said board of public works shall add thereto a sufficient amount to provide for interest probable to accrue before the assessment can be collected, and shall thereupon apportion and assess the entire sum, less the amount appropriated and set apart out of the park fund, if any, together with the costs of the proceedings, upon the real estate by it deemed specially benefited from the appropriation of said land to public park uses, in proportion to the benefits resulting therefrom, as nearly as may be, and shall briefly describe the real estate upon which the assessment may be made. If the sum set apart from the park fund by the commissioners as above provided is less than forty (40) per cent of the total amount of damages, costs and expenses as determined and appraised by the said board of public works, together with the costs and expenses, all damages, costs and expenses over said sums so set apart shall nevertheless be raised by assessment in the manner hereinbefore provided, on the property benefited. If said sum so set apart from the park fund proves to be more than forty (40) per cent of the damages, costs and expenses aforesaid, sixty (60) per cent of the damages, costs and expenses shall be assessed on the property benefited, and the balance of said sum

in excess of said forty (40) per cent shall then be returned to the park fund for other uses. It shall be the duty of the said board of public works, whenever it finds the sum appropriated by the said board of park commissioners is in excess of forty (40) per cent of the total damages, costs and expenses, to notify said board of park commissioners of the amount of such excess within ten (10) days after the assessment is completed and confirmed. The said board of public works shall estimate as nearly as possible the cost of printing notices of the assessment up to the time the sum would become delinquent, the cost of engineering in making survey and plats of said improvement, and the treasurer's fees for collecting said assessment, all of which shall be chargeable in said assessment as costs and expenses.

SEC. 26. When said assessment has been completed, said board of public works shall forthwith cause to be given ten (10) days' notice, by one (1) publication in the official newspaper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed in writing with the clerk of said board at least one (1) day prior to said meeting, and that unless sufficient cause is shown to the contrary the same will be confirmed; said notice shall specify the property assessed, and the amount of each assessment. All objections to said assessment shall be in writing and filed with the clerk of said board at least one (1) day prior to said meeting; *Provided, however*, that said board may, at its discretion, allow any party interested who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the member or members of the board present, or if none of the members are present, by the clerk of said board, to such other convenient time and place as may be deemed expedient; *Provided further*, that nothing herein contained shall preclude said board from causing a new notice aforesaid to be given of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof as before required, in case the previous notice shall be found imperfect, or in case of a defect in attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power, in its discretion, to reverse [revise] and correct said assessment, and to confirm or set aside the said assessment, and proceed to make an assessment *de novo* without any further order from the said board of park commissioners, and upon like notices and in like manner as above provided. Said assessment shall be finally confirmed within four (4) months after receiving said order from the board of park commissioners directing the assessment, and when confirmed shall be entered in a book kept for that purpose, and shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, a warrant, under the seal of the board of public works, shall be issued to the treasurer of said city for the collection of the same from the property on which the same has been assessed, signed by the mayor, clerk of said board, and the city comptroller. As soon as practicable after the said assessment has been confirmed and entered, the clerk of said

board shall cause a brief notice, by one (1) publication of the fact, of such confirmation and entry, to be published in the official newspaper of said city.

SEC. 27. Any person whose property has been appropriated, and who has filed objections to such assessment as hereinbefore provided, shall have the right, at any time within ten (10) days after the publication of said notice provided for in the next preceding section, to appeal to the district court of the county of Ramsey, of this state, from the order confirming said assessment. Said appeal shall be made by filing a written notice of appeal with the clerk of the board of public works, specifying the name of the court in which the appeal is taken, and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of said court, within ten (10) days thereafter, a copy of such notice of appeal and objections and a copy of the assessment roll, as confirmed aforesaid, so far as it affects the property in controversy of appellant, all certified by the clerk of the said board of public works, who shall also certify on said notice of appeal and objections the date when the said notice was filed by appellant with the said board of public works. The cause shall be docketed by the clerk of the court in the name of the person taking such appeal against the city of St. Paul, as an "Appeal from assessments." The said cause shall then be at issue and have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes, except that no pleading shall be necessary, and on such trial the only question to be passed upon shall be whether the board of public works has jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be to confirm the assessment, if it shall have been found that the said board has jurisdiction, and that said valuation and assessment, in so far as the same shall affect the property of said appellant, are fair and impartial. If the court shall find that the board of public works has no jurisdiction in the matter appealed from, then, in such case, the judgment of the court shall be to annul said assessment. If the court shall find that the said board has jurisdiction, and shall also find that said valuation is unfair, and that the damages awarded by said board to said appellant are insufficient and inadequate for the property so appropriated, then, and in such case, the court shall determine and find the amount of damages which said appellant is entitled to receive, over and above the sum awarded by the board of public works, and shall order judgment against the city of St. Paul therefor, which judgment, with interest, shall be paid as other judgments against the city. The amount awarded said appellant by the board of public works, with interest, shall be paid in the same manner as the damages to those persons who have not appealed.

SEC. 28. When judgment has been rendered on all the appeals taken from said assessment, the said board of public works, without further order from the said board of park commissioners, shall, without unnecessary delay, proceed to make a new assessment, or reassessment, on the property by it deemed benefited by such assessment, for the purpose of raising the difference between the amount

originally awarded by said board of public works to said appellant or appellants, and the amount which the court has adjudged said appellant or appellants is entitled to receive, together with the cost of said new assessment or reassessment, and said board of public works shall proceed in making said new assessment, or reassessment, in the same manner and shall have and take like proceedings as are provided for in the original assessment. If the board cannot find the property benefited by said improvement or appropriation of land to park purposes to the extent of said additional sum, besides the benefits heretofore assessed, it shall make the assessment to the extent of said benefits. If it is of the opinion that the first assessment was equal to the benefits derived from said improvement, it shall so report to the said board of park commissioners. In making said new assessment, or reassessment, in cases where portions of lots were condemned by the first assessment, and the remaining portion assessed benefits, such untaken portions shall also bear their proportion of assessment for benefits on the new assessment, or reassessment, notwithstanding the owner of such lots may have appealed from the assessment of damages. The proceeds of such new assessment, or reassessment, if any, shall be paid into the park fund, and the same shall thereafter be transferred to the general fund of said city, to reimburse said city for the judgments for increased damages aforesaid rendered against the city, as provided in the preceding section. If the new assessment, or reassessment, proves insufficient, the remainder shall be paid into the general fund of the city from the first unappropriated moneys coming into the park fund, if any.

SEC. 29. When such assessment shall have been confirmed, and no appeal shall have been taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. There shall thereupon be paid to the owner of such property, or to his agent, the amount of damages which may have been awarded therefor, over and above all benefits assessed, as soon as a sufficient amount of the assessment shall have been collected for that purpose. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any person or persons should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city of St. Paul. It shall be the duty of the clerk of the said board of park commissioners to cause all deeds taken by the city for land acquired for park purposes to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired. And it shall be the duty of the register of deeds of the county of Ramsey to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer, that the taxes and assessments thereon have been paid.

SEC. 30. The city treasurer shall proceed to collect the benefits assessed against real estate under the provisions of this act, in the manner as in the case of assessments of benefits for other local im-

provements under the city charter; and the same proceedings shall be had for obtaining judgment to enforce delinquent assessments, and for the sale of property under such judgment, the issuance of certificates of sale therefor, and deeds to the purchaser in case no redemption is made, as provided by law, except that real estate sold under said judgments may be redeemed in ten (10) years from the date of the sale, and may also be redeemed in ten (10) annual installments, payable as follows: One tenth ( $\frac{1}{10}$ ) of the certificate at the end of each one (1) of the successive ten (10) years next ensuing the date of the certificate, together with the interest due on the whole amount thereof unpaid at the maturity of each of said installments, and the certificates of sale issued under this act shall conform to the provisions hereof as to time of payment and redemption. All other provisions of law relative to sale for assessments of local improvements, interest before and after such sale, and redemption therefrom, as they now exist or may hereafter be provided, under the city charter, shall be applicable to sales under this act.

SEC. 31. The said board of public works shall proceed *de novo* without further order from the said board of park commissioners, to make a new assessment, or reassessment, in case the first assessment shall be set aside by the district court, and shall have the same power to make reassessments in all cases, as in the case of assessments for other local improvements; but in making said reassessments it shall be guided by the provisions of this act as to notices and manner of procedure, and in the case of reappraisal of damages the property owners shall have the same rights of appeal as hereinbefore provided. In case the award of damages is increased on appeal from a reassessment, the said board of public works shall have the power, and it shall be its duty, to make a further reassessment for the difference of damages as in case of appeals from a first assessment.

SEC. 32. As soon as the assessments are collected and the proceeds thereof in the hands of the city treasurer, ten (10) days' notice thereof by two (2) publications shall be given by the said treasurer in the official newspaper of the city, and the city may then, and not before, enter upon, take possession of and appropriate the property condemned, and whenever the damages awarded to the owner of any property, condemned by said city for public use, shall have been paid to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer, ready to be paid over to such owners, and said ten (10) days' notice thereof shall have been given in the official newspaper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned.

Interest on all damages payable shall cease thirty (30) days after such notice has been given, save where damages are increased by the district court, in which case interest on the increased amount shall run until money is in the treasury to pay the judgment therefor, and the holder thereof, or his agent, is notified thereof, or the money is paid into court. In case the amount allowed for interest and included in the benefits assessed by the said board of public works is insufficient to pay the interest accrued on damages awarded, the balance shall be paid out of the general fund of the city, and the general fund be reimbursed from the park fund when there are available funds therein.

SEC. 33. All proceedings taken by said board of public works in carrying out the provisions of this act shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements and the real estate taken and assessed. The said books in which said proceedings have been entered as aforesaid, and the official files and papers of said board of public works, shall be deemed public records and be *prima facie* evidence of the facts therein stated, and certified copies thereof by the clerk or officer having proper custody thereof, with the seal of the board attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall be entitled to receive from any private party the like fees as are received for such services by the clerk of any court of record in this state.

SEC. 34. Said board of park commissioners, at any time during the pendency of any proceedings for the condemnation of lands as aforesaid, up to and until the time of the confirmation of the assessment by the said board of public works, shall have the right, by a three-fourths ( $\frac{3}{4}$ ) vote, to abandon all proceedings in respect to the whole improvement, whenever it shall deem it for the interest of the city so to do. In case of the abandonment of such proceedings, the secretary of said board of park commissioners shall certify such action of the said board to the board of public works, and thereupon said board of public works shall discontinue any further proceedings on its part in the matter.

SEC. 35. As soon as such condemnation proceedings shall have been completed and notice given that the money is in the city treasurer's hands ready to be paid for damages, an accurate description of the lands condemned, together with a statement of the amount of damages awarded and to be paid therefor, shall be certified by the president or vice president and secretary of the state board of park commissioners, under its official seal, and filed for record in the office of the register of deeds of said Ramsey county, which record of transfers of real estate in said county, which record shall be *prima facie* evidence of the title of said lands and the transfer of all the interests of the former owner or owners of the same to said city of St. Paul.

Said board of park commissioners shall also direct the city engineer to prepare correct plats of all such lands as may be acquired under the provisions of this act, one of which shall be filed in the office of said board of park commissioners and one in the office of said city engineer and another in the office of the register of deeds of said Ramsey county, to be kept on file and of record in the office of the said register of deeds in the same manner as plats of additions in the said city of St. Paul.

SEC. 36. All expenditures of said board of park commissioners, payment of which is not herein otherwise provided for, shall be paid from the park fund not otherwise appropriated, and all moneys received by said board from any source shall, where not herein otherwise directed, be paid into the city treasury to the credit of said fund.

Assessments collected shall be set apart and used only for the purposes for which they were levied. All assessments on property owned by the city shall be paid out of the general fund of the said city of St. Paul. Moneys of the park fund, when set apart for the purpose of paying damages awarded, shall be and remain in the city treasury

until the assessments for the same purpose are collected, by sale or otherwise, and shall then be applied with said assessments in payment of said damages.

SEC. 37. In case property sold for delinquent assessments is struck off to and purchased by the city of St. Paul, and the city shall be unable to sell and assign said certificates of sale within thirty (30) days thereafter, the city of St. Paul shall forthwith issue certificates of indebtedness to pay for the same, for the amount of said certificates of sale held by the city; said certificates of indebtedness shall be issued in the sum of one hundred (100) dollars each, or such other sum as the common council shall prescribe, and shall be payable on or before ten (10) years from their date, at the pleasure of the city, and shall bear interest at a rate not to exceed seven (7) per cent per annum, payable annually.

Said common council shall direct the manner in which these certificates shall be executed. The city shall redeem the said certificates of indebtedness before maturity as fast as money is realized on the certificates of sale held by the city, by redemption, sale of the same, or otherwise; *Provided*, that the liability and indebtedness of the city of St. Paul, direct and indirect, primary and secondary, for park purposes, exclusive of its existing liability on account of bonds issued and indebtedness already incurred for park purposes, shall never at one time exceed five hundred thousand (500,000) dollars, and whenever such indebtedness or liability shall reach that sum, all further proceedings for purchasing, securing by condemnation or otherwise, or improving in any manner public parks, shall cease and remain suspended until such liability and indebtedness is reduced below said sum, when further proceedings may be had as in this act provided, until such liability and indebtedness again reaches that amount, if in the opinion of the board of park commissioners the same is expedient and conducive to the public welfare.

SEC. 38. All expenditures under this act shall be audited by said board of park commissioners, and shall be paid by the city treasurer only upon warrants of said board, signed by its president or vice president and secretary, and countersigned by the city comptroller. All damages payable to property owners shall be paid from the funds provided therefor and on warrants of said board, signed as aforesaid and countersigned by the city comptroller. Whenever the said board of park commissioners appropriates a portion of the park fund for condemnation purposes, as hereinbefore provided, it shall transmit to the city comptroller and city treasurer a copy of the resolution so providing, whereupon said treasurer shall set apart and hold said sum to be applied, as herein provided. If the proceedings are abandoned, or said sum so set apart is ascertained to be in excess of forty (40) per cent of the entire costs of the improvement for which the same is appropriated, said board of park commissioners shall, upon such abandonment or the ascertainment of such excess, notify the said comptroller and treasurer thereof, and in the case of an abandonment of condemnation proceedings, all the moneys so set apart, and in the case of an excess, the portion thereof in excess of forty (40) per cent of the cost of the improvement, shall at once be returned to and become a part of the park fund, and applicable to other uses.

SEC. 39. Whenever the title shall have been acquired by said city, for park purposes, to land constituting the shores of any stream, lake

or pond, said board of park commissioners may regulate and control the use of such shore, and the water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond, said board of park commissioners is vested with exclusive charge and control of the waters of said lake or pond, and may, in all things, regulate and govern the use of such waters; *Provided*, that said board shall not prohibit the use of sail or row boats on such waters.

SEC. 40. The lands which may be designated and obtained as aforesaid for park purposes shall not be alienated nor diverted to other uses, and shall remain forever parks and parkways for the use of all the inhabitants of said city.

SEC. 41. Said board of park commissioners may adopt rules to secure the quiet, orderly and suitable use and enjoyment of said parks and parkways by the people, and the common council shall provide ordinances to enforce them and to fix penalties for the violation thereof, which ordinances shall take effect from and after the publication thereof in the official newspaper of said city, and the same shall be enforced by prosecution by the corporation attorney in the municipal court of said city, as in the case of other ordinances of said city. The clerk of the municipal court of said city of St. Paul shall receive all fines and penalties imposed by the said municipal court for the violation of park ordinances, and shall, on the first (1st) Monday of every month deliver to the treasurer of said city all moneys so received, which shall be by him credited to said park fund.

SEC. 42. The mayor of said city shall, upon request of said board of park commissioners, appoint such policemen, as the common council may authorize; which policemen shall be under the control and direction of said board. All policemen so appointed shall possess all the common law and statutory power of constables; and any warrants for search or arrest, issued by any magistrate or court of record in Ramsey county, may be executed by such policemen in any part of said county.

SEC. 43. The common council of said city shall have the same power and jurisdiction in respect to laying water mains and sewers along the parkways in the said city as it now has in respect to laying the same along the public streets, and the same proceedings for levying and collecting special assessments for sewers along such streets shall apply to levying and collecting the same for sewers laid along the parkways.

SEC. 44. Said board of park commissioners may acquire by gift, without the corporate limits of said city, for parks or parkways, any land or lands, and shall possess the same powers and jurisdiction over said parks or parkways as if they were located within the city limits.

SEC. 45. This act shall be a public act, and need not be pleaded or proved in any case.

SEC. 46. All acts and parts of acts, whether in the charter of the city of St. Paul, or elsewhere, inconsistent with any of the provisions of this act are hereby repealed.

SEC. 47. This act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1891.



## CHAPTER 36.

[H. F. No. 804.]

AN ACT TO ABOLISH THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL, AND TO REPEAL AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL, APPROVED FEBRUARY TWENTY-SIXTH (26th), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AND AN ACT TO AMEND SECTIONS FOUR (4), NINE (9), TEN (10) AND EIGHTEEN (18) OF AN ACT ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL, APPROVED FEBRUARY TWENTY-FIRST (21st), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), AND PROVIDING THAT THE CITY OF ST. PAUL SHALL CONSTITUTE A SINGLE INDEPENDENT SCHOOL DISTRICT AND EXERCISE ALL THE POWERS HERETOFORE VESTED IN THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That on or before the first (1st) day of May, A. D. one thousand eight hundred and ninety-one (1891), seven (7) persons shall be appointed by the mayor of the city of St. Paul as school inspectors of the city of St. Paul. Each of said school inspectors shall be a qualified elector of, and shall have resided in, said city at least four (4) years prior to the date of his appointment. Three (3) of said inspectors so appointed shall hold said office for the term of one (1) year, and two (2) for the term of two (2) years, and two (2) for the term of three (3) years, and until their successors are appointed and qualified, and thereafter all school inspectors shall be appointed by the mayor on or before the first (1st) day of March in each year, for the term of three (3) years, unless to fill a vacancy by reason of death, resignation, removal or otherwise, and then for only the unexpired term.

Every person who shall hereafter be appointed to the office of school inspector of said city shall, before he enters upon the duties of his office, take and subscribe an oath to the effect that he will support the constitution of the United States and of the State of Minnesota, and promptly and faithfully discharge the duties of his office, and file the same with the comptroller of the city of St. Paul; and in case any person so appointed to said office shall omit to take and subscribe such oath, and file the same as aforesaid, for the period of five (5) days next after said appointment, such default shall be taken as a refusal to serve, and the mayor of said city may make a new appointment, as in case of a vacancy in said board.

The board of education as now constituted and organized shall so remain until the fifteenth (15th) day of May, A. D. one thousand eight hundred and ninety-one (1891), at which date the term of all the members of the existing board of education now holding office, or who may be appointed prior to that date, shall expire.

SEC. 2. The several school inspectors of the city of St. Paul, appointed under this act, shall meet on the fifteenth (15) day of May, A. D. one thousand eight hundred and ninety-one (1891), and on the second (2d) Tuesday of March of each and every year thereafter, for the purpose of electing a president and vice president from their number, and a secretary for the board, whose term of office shall be one (1) year, and until their successors are elected and qualified. They shall also elect a superintendent of the public schools of said city, at their meeting in June, one thousand eight hundred and ninety-two (1892), whose term of office shall be two (2) years; all of whom shall serve until their successors are elected and qualified; *Provided, however*, that if the organization of the board of inspectors shall not be completed at the time, it may be completed at any future meeting. The president so elected shall be the president of the board, and shall preside at all meetings thereof and shall perform all other duties as in this act provided. The vice president shall preside at all meetings of this board when the president is absent. The secretary shall keep a true record of the proceedings of said board and perform such other duties as herein provided, and as may be ordered by said board. Said board so constituted and organized shall have, possess and exercise, under the supervision and direction of the said city, all the powers and rights that have been and now are vested in the board of education of the city of St. Paul, except the right and power to be a corporation and except as may be otherwise ordained by the city of St. Paul, under and in pursuance of the provisions of this act. From and after the fifteenth (15th) day of May of the year one thousand eight hundred and ninety-one (1891) the board of education of the city of St. Paul shall cease to be a corporation with power to sue or be sued, plead or be impleaded, and the board of inspectors hereby authorized and created shall, as the head of an executive branch of the government of the city of St. Paul, execute all the powers vested by this act or by the general laws of the state in any school district or in the city of St. Paul as a separate and independent school district, and no other powers. And said board of inspectors shall have power to adopt such rules and regulations for its own government as it shall deem best, not inconsistent with the intent and provisions of this act.

The city of St. Paul shall be and hereby is made a separate and independent school district, and vested with power to contract and be contracted with, sue and be sued, and with all the powers and rights specified in any general law of the state of Minnesota in relation to school districts in all matters pertaining to public schools in said city, and said powers shall be exercised by and through said board of school inspectors solely under the legislative department of government of the city of St. Paul, except as in this act otherwise provided. And all such public schools shall be free.

SEC. 3. It shall be the duty of the board of school inspectors organized under this act to make a report to the mayor of the city of St. Paul, on or before the first (1st) day of June in each year after the year one thousand eight hundred and ninety-one (1891), showing the number of school children that have attended each of the free schools in said city and school districts during the school year preceding, which year shall extend from the first (1st) day of September to the first (1st) day of July, the number of teachers and other employes that have been employed in the free or public schools, and the salary or compensation

paid to each, and to give a list of the names of all persons employed and the amount of compensation received by each person during the past year.

Said report shall specify the monthly compensation that they recommend to be paid to each of the teachers or class of teachers of said public schools or other employes for the following school year; *Provided*, that as far as practicable it shall be the duty of said inspectors in each year to appoint, not later than June fifteenth (15th), all the teachers for the next ensuing school year, and notify each teacher thereof. The mayor shall transmit the same, with his approval or disapproval thereof, or such other recommendations as he may make in relation thereto, to the common council of the city of St. Paul, to be convened for the purpose of acting upon the same within ten (10) days thereafter.

The common council shall, by ordinance, have the power to reduce the aggregate or total amount of all the salaries for the ensuing school year, specifying the amount to be taken from the salaries of the teachers and the amount from other employes, but shall not have power to increase or raise the same, or to fix the amount to be paid to any particular teacher or other employe or to any specific class of teachers (but the board of inspectors in these respects shall have exclusive control), and the aggregate amount of the reduction from the aggregate compensations to be allowed and paid the school teachers or other employes for the ensuing year shall be apportioned among said teachers and employes by the board of inspectors, in such manner as said board shall deem just and most conducive to the public welfare; and the amount of compensation to each teacher and each class of teachers and employes thus fixed shall be paid to the teachers and employes of the said school district and city of St. Paul for the ensuing year, and shall be paid monthly by a requisition of the president of the board of inspectors upon the comptroller, who shall issue his warrant on said requisition upon said treasurer, as in this act provided. Teachers appointed by the said inspectors shall serve during the pleasure of the inspectors, and shall not be subject to an annual election; *Provided*, that all teachers so appointed have taught successfully in the schools of St. Paul for at least one (1) year; *And provided further*, that the salaries of all teachers and other employes shall be fixed annually, as provided in section three (3).

Said board of inspectors shall also, in said report, state the number of sittings for school children in the various public school buildings, and in the high school building of said city, and shall state whether or not, in their judgment, any more sittings are required for the ensuing year, and if, in their opinion, additional sittings are required, they shall state in what particular locality of the city a building may be erected that will accommodate the largest number of children for whom provision is not already made, and specify, as near as they may be able, what the cost by purchase or condemnation will be of a suitable site for a school building, as well as the cost of a suitable building to be erected thereon. The common council shall, whenever the conditions of the funds derived from the school tax, levied and collected as provided by law, or whenever any other fund in the city treasury is available for such purpose, thereupon, by a three-fourths ( $\frac{3}{4}$ ) vote, order the mayor and president of the board of education to proceed to obtain such a site and erect a suitable building thereon, in accord-

ance with plans and estimates to be provided by the said board of inspectors. Proposals for furnishing the material and for the erection and construction of said building, and for the grading and preparing the ground for the erection thereof, shall be advertised for by the mayor and president of said board of inspectors for at least three (3) successive weeks, once in each week, specifying the kind, amount of material required, the amount and character of the work to be performed, and giving as fully as may be all the details both as to material and work to be done, and state that the contract for furnishing said building and doing said work shall be awarded to the lowest responsible bidder, and giving the time and place when and where said proposals will be received and opened. And at the time and place designated in said notice all proposals received for furnishing said material and for doing said work in the erection and construction of said building and in grading and repairing the ground for the same shall be opened in the presence of the bidders, if they desire to attend, and, in any event, shall be publicly opened, and the contract for furnishing said material and for the erection and construction of said building and grading and preparing the site for the same shall be awarded and let to the lowest responsible bidder, who shall be required to give bonds, with good and sufficient surety or sureties, as required by law, to furnish said material and perform said work in accordance with the terms of said contract. Before the proposals are advertised, plans and specifications for said building shall be filed with the secretary of the board of inspectors, and shall be open to the inspection of all people, and especially those who desire to bid upon said contract. When said bids are opened a list shall be made of all the bids received, and the same shall be filed in the office of the city comptroller.

All contracts for the purchase of sites for school buildings and for the erection and construction of school buildings, and material to be used in the same, shall be executed by and between the contractor and the city of St. Paul, and the amount of money to be paid to any contractor shall be paid from the city treasury upon the warrant of the said comptroller, based upon a requisition drawn upon him by the mayor of the city and the president of the board of inspectors, which requisition shall specify the contract upon which the money required is drawn, the whole amount of money that will become due upon said contract, and the proportion of the same that has already been paid, including the requisition drawn.

All expenses incurred by the board of inspectors in procuring and furnishing plans and estimates for school buildings shall be paid for from the city treasury by warrant drawn by said comptroller upon the city treasury, based upon a requisition signed by the president of the board of inspectors.

SEC. 4. Whenever any school building is ordered erected and constructed by the common council for the city of St. Paul, a building inspector shall be appointed by the mayor and confirmed by the council, whose duty it shall be to thoroughly examine and inspect the work upon said building, as well as said building when completed, and who, before any requisition is drawn for the payment or part payment of materials furnished and work done, shall report over his own signature that the materials furnished and the work done upon said buildings has been furnished and done in accordance with the plans and specifications therefor; and when said building is completed, he shall

make a final report to the common council over his signature, specifying fully the kind and amount of material that has been used, and the manner in which said building has been erected and constructed.

SEC. 5. The board of school inspectors shall have the care, custody and control of all the school buildings and school property in said school district and in the city of St. Paul, including the sites and public properties pertaining to the public or free schools of said city, including those that, prior to the passage of this act, were under the control of the board of education, and shall see that the same are faithfully and properly cared for and protected. Said board shall appoint janitors and watchmen of said buildings, and the police department of said city of St. Paul, and each policeman thereof, is charged with the duty of especially and carefully protecting said school property and school buildings in every respect. Said school buildings and the sites on which they are erected, and all property pertaining to the public and free schools of the city of St. Paul, which has been and is now in the possession of the board of education of the city of St. Paul, as a corporation, is hereby divested from said board of education and vested in the city of St. Paul in trust, for the uses and purposes of education solely, and shall be held for such purposes and uses by said city forever, unless otherwise provided by law.

SEC. 6. The expense of the public schools of the city of St. Paul shall not in any year exceed the amount of money appropriated and set apart therefor by the common council of said city, and the common council of said city is hereby prohibited from making any greater tax levy in any one year, for the support and maintenance of the public and free schools of said city, than two and one-half (2½) mills on a dollar, nor less than two (2) mills on the dollar on all property on the assessment roll; out of which amount said council may set apart one-half (½) mill on the dollar for the erection of additional buildings for school purposes, or for creating a fund that shall be set apart for that purpose exclusively. And said board of inspectors shall have no power or authority to create any indebtedness against the city of St. Paul or to pledge the faith and credit of said city in any respect whatever until after the common council or legislative department of the city government has, by ordinance, ordained what the expenditures for school purposes in said city for the school year shall be, and then only to the extent of the amounts so set apart by ordinance for school purposes for such year; and in no year shall the aggregate amount set apart exceed an amount greater than two and one-half (2½) mills on a dollar of the property assessed for taxation in said city for such year, and any violation of this provision shall be a misdemeanor, and, upon conviction, any party violating the same shall be punished by imprisonment in the county jail for six (6) months.

SEC. 7. It shall be the duty of said board of school inspectors, at the end of each month during the progress of the schools, to report to the mayor the number of children who have been in attendance during the month, the progress that has been made in the various schools, the failures on the part of any teacher to perform his or her duty and what action the board of school inspectors has taken on account thereof, and upon any and all matters relating to the progress and efficiency of the schools; which report shall be transmitted by the mayor, at the earliest time practicable, to the common council of the city. The common council of the city shall not have the power to employ or

dismiss any teacher or employe, or to exercise any control over the board of school inspectors, as to what particular teacher or teachers or employes they shall at any time employ or dismiss; and shall be limited in its power in this respect: to determine the amount of money to be expended for school purpose, which shall not in any year exceed the amount that may be realized by a levy of two and one-half (2½) mills upon the dollar upon the assessed valuation of all taxable property in said school district, and in said city of St. Paul, in addition to all other funds derived from other sources and applicable to purposes of education within said city.

SEC. 8. All supplies for the board of inspectors shall be purchased by a committee, consisting of the mayor of the city of St. Paul, the president of the common council of said city and the city treasurer. A statement of the amount of supplies required for the ensuing year shall be made by the board of inspectors on or before the first (1st) day of July in each and every year, which statement shall be signed by said school inspectors and delivered to the mayor of the city of St. Paul; and the said mayor, president of the council and city treasurer shall thereupon advertise for proposals for furnishing said supplies, specifying what supplies are required and the time and place when and where sealed proposals for furnishing the same will be opened. Said advertisement shall be published for two (2) weeks successively in one (1) or more newspapers published in the city of St. Paul, and specify the time and place when and where said sealed bids or proposals will be opened.

At such time and place said officers shall attend and publicly open the proposals received for furnishing said supplies, and shall award the contract for furnishing the same to the lowest responsible bidder therefor, and enter into a contract with him for furnishing said supplies. Said supplies shall be delivered to the said board of school inspectors at such time and place and school buildings in said city as may be from time to time required by said board. But nothing in this act shall be construed to extend to material to be used in the erection and construction of school buildings or in the repair of school buildings.

All public school buildings, all real estate and all property of every name and nature heretofore acquired by the board of education, either as individuals or corporations, by and through the use of funds acquired by the sale of bonds, certificates [or] of other securities, for the payment of which the faith and credit of the city of St. Paul or said board of education is pledged, shall be and hereby is transferred to and vested in the city of St. Paul, to have and to hold for the sole and exclusive use, and for the support and maintenance of all free, common and public schools therein, forever; and the foregoing provisions shall extend to the high school building in said city and the lands and property connected therewith.

SEC. 9. The city of St. Paul is hereby charged with the payment of all the bonds heretofore issued by the board of education of said city, [as] and well as all legal outstanding and floating liabilities, and is hereby required to make provision for the payment of the same from time to time, as they shall become due and payable, out of the city treasury, in the same manner as other city indebtedness is paid.

SEC. 10. An act to amend and consolidate the several acts relating to the board of education of the city of St. Paul, approved February

twenty-sixth (26th), A. D. one thousand eight hundred and eighty-seven (1887), and the act to amend sections four (4), nine (9), ten (10) and eighteen (18) of an act entitled "An act to amend and consolidate the several acts relating to the board of education of the city of St. Paul," approved February twenty-first (21st), one thousand eight hundred and eighty-nine (1889), are hereby repealed, save that all powers heretofore vested in the board of education are continued in force until the first (1st) Monday in June, one thousand eight hundred and ninety-one (1891); *And provided further*, that the said board of education shall have no power, after the passage of this act, to purchase real estate for school sites, to contract for the erection of school buildings or the purchase of school supplies, or to pledge the faith and credit of the city of St. Paul to the payment of any debts on any account whatever, except for the monthly compensation of school teachers and employes employed in said district and the current expenses incurred for full care and protection of the school buildings and school property, and then only to the extent and in the manner herein authorized.

SEC. 11. On the second (2d) Monday of each and every month the treasurer and comptroller of the city of St. Paul shall report in detail to the secretary of said board of inspectors, which report shall be laid before said board at their next meeting, the amount of all public funds in the treasury of said city belonging to and set apart for educational purposes, and to what particular fund or account the same is credited.

SEC. 12. That no member, officer or employe of said board of inspectors and no officer of said city of St. Paul, while acting as such, shall, directly or indirectly, be a party to, or interested or concerned in, any contract or job with said board of inspectors or the city of St. Paul, or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing of supplies, fuel or or transaction prohibited as aforesaid shall be void, and all moneys other articles purchasable for the use of said board; and any contract which may be paid thereon by said board of inspectors or the city of St. Paul may be recovered back, and such officer shall be deemed guilty of malfeasance in the office, and upon conviction thereof the office of any such member, officer or employe so offending shall thereby become vacant; and he shall be punished also by a fine not exceeding five hundred (500) dollars, or by imprisonment in the county jail of Ramsey county, Minnesota, not exceeding six (6) months.

SEC. 13. The president of said board of inspectors and each of said inspectors shall perform and comply with each and all of the provisions of that certain act of the legislature of the state of Minnesota, for the year one thousand eight hundred and ninety-one (1891), entitled "An act to amend the charter of the city of St. Paul, the same being an act entitled to reduce the law incorporating the city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," which act was approved March fifteenth (15th), one thousand eight hundred and seventy-four (1874), and the acts amendatory thereof and supplemental thereto, so far as the same impose any duties or restrictions upon said president or any of said inspectors.

No general or special act hereafter enacted, except such as limit the authority to be exercised or the amounts to be expended by the

inspectors herein mentioned, shall be construed as repealing, amending, or to in any manner affect any of the provisions of this act, unless special reference is therein made in this act.

SEC. 14. Said city of St. Paul, as such separate and independent school district, is hereby authorized and empowered, through the treasurer of said city, to apply for and receive from the county treasurer, or such other officer as may have the same, any and all moneys appropriated and received for public schools within said district by reason of any general or special law of this state, and such county treasurer, or other officer or officers as may have such money, are hereby authorized and directed to pay the same to the city treasurer of the said city of St. Paul, who shall receive the same for the purposes herein provided.

SEC. 15. Any vote, act, neglect or omission by or on the part of any member of said board or any officer thereof, as in this act prescribed or prohibited, as the case may be, shall be *prima facie* evidence that the same was done with willful intent to evade the provisions of this act, and upon the prosecution of any person for the commission of any offence in this act defined, it shall not be necessary to prove the willful intent of the person offending; and upon such prosecution, when the wrongful vote or act or omission being shown, the willful intent shall be presumed until the contrary appears.

SEC. 16. Said board of school inspectors are authorized and empowered to make such provisions and rules concerning children properly enrolled upon the registers of the public schools within said district, who have become habitual truants, and who are between the ages of eight (8) and sixteen (16), as will reasonably tend to compel their attendance in such schools, provided such truant children have no lawful occupation or business and are growing up in ignorance, and said board of school inspectors may require, and it shall be the duty of the police of the city of St. Paul to assist in the enforcement of said rules and regulations.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 37.

[H. F. No. 37.]

AN ACT TO LEGALIZE THE PLAT, AND THE APPRAISAL OF THE LOTS IN THE PLAT, KNOWN AS "D. W. INGERSOLL'S READJUSTMENT OF BLOCKS NUMBER ONE (1), TWO (2) AND SEVEN (7) OF D. W. INGERSOLL'S ADDITION TO ST. PAUL, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the plat known as "D. W. Ingersoll's readjustment of blocks numbers one (1), two (2) and seven (7) of D. W. Ingersoll's addition to St. Paul, Minnesota," and recorded in the office of the register of deeds within and for the county of Ramsey, in said



state, in book fourteen (14) of plats, page forty six (46), is in all respects confirmed and legalized as a valid survey, and the plat of the premises included therein.

SEC. 2. That the appraisal of the several lots included in said plat, made by J. W. Bishop, Edward J. Hodson and William M. Bushnell, and filed with the commissioner of the land office on the seventh (7th) day of June, A. D. one thousand eight hundred and ninety (1890), be and the same is hereby confirmed and legalized as a valid appraisal thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 38.

[S. F. No. 127.]

AN ACT TO AMEND SECTION TWO (2) OF CHAPTER THREE HUNDRED AND SEVENTY-FIVE (375) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2) of Chapter three hundred and seventy-five (375) of the Special Laws of Minnesota, for the year one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended, by striking out the words "or both," in the last line of said section.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 26, 1891.

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## CHAPTER 39.

[H. F. No. 987.]

AN ACT TO AUTHORIZE THE CITY OF ST. PAUL TO MODIFY A CONTRACT ENTERED INTO BETWEEN SAID CITY AND TIMOTHY SWEENEY FOR THE GRADING OF LANGFORD PARK.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of St. Paul and the common council of said city and the board of public works of said city are hereby authorized to modify the contract made and entered into between said city of St. Paul and Timothy Sweeney for the grading of Langford park in said city, which said contract bears date the twenty-eighth (28th) day of March, A. D. one thousand eight hundred and ninety (1890); and that said contract when so modified shall provide that said Timothy Sweeney shall receive from said city of St. Paul, in addition to the contract price for the grading of said park named and mentioned in

said original contract the sum of seventeen and three-fourths (17 $\frac{3}{4}$ ) cents per cubic yard for each and every cubic yard of material required to fully complete said contract according to the plans and specifications therefor over and above one hundred nine thousand eight hundred and seventy-five (109,875) cubic yards (being the amount of material estimated by the city engineer at the time of the making of said contract which would be required to complete the same), and such additional amount over and above one hundred nine thousand eight hundred and seventy-five (109,875) cubic yards, shall be paid for out of the general funds in the treasury of the city of St. Paul on the estimates of the same which may be allowed by said city engineer and the common council of said city; *Provided, however*, that said contract when so modified shall provide that the estimate of the city engineer as to the number of cubic yards so required and used for the complete execution of said contract (over and above said original estimate of one hundred nine thousand eight hundred and seventy-five (109,875) yards, shall be final and conclusive upon said Timothy Sweeney and the city of St. Paul.

SEC. 2. *Provided, further*, that the total amount paid to the said Timothy Sweeney by the said city of St. Paul by virtue of this act, in addition to the contract price mentioned in the said original contract, shall not exceed five thousand (5,000) dollars; *And provided further*, that neither said city engineer nor said common council nor any other officer of said city shall allow or approve or pay any portion of said sum until said city engineer shall have certified in writing that said Langford park grading has been fully completed by said Sweeney so as to leave the same in the condition required by said original contract, and any person violating any of the provisions of this act shall be deemed guilty of embezzlement, and upon conviction thereof before the district court, which is hereby given full jurisdiction in the premises, shall be punished as now provided by law in cases of embezzlement; *And provided further*, that no further assessment shall be made against any property claimed to be locally benefited by said Langford park improvement.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 40.

[H. F. No. 662.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CONFIRM AND CONTINUE THE PRESENT MUNICIPAL COURT OF THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY, IN THE STATE OF MINNESOTA, AND TO ENLARGE THE JURISDICTION OF SUCH COURT, TO REGULATE THE PRACTICE AND PROCEDURE THEREOF, AND TO PROVIDE AN ADDITIONAL JUDGE THEREFOR."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section twelve (12) of an act entitled "An act entitled an act to confirm and continue the present municipal court of the city of St. Paul, in the county of Ramsey, state of Minnesota, and

to enlarge the jurisdiction of such court, to regulate the practice and procedure thereof and to provide an additional judge therefor," approved April twenty-fourth (24th), one thousand eight hundred and eighty-nine (1889), be and the same hereby is amended by adding at the end thereof the following: "It is hereby made the duty of the clerk of the municipal court of the city of St. Paul, forthwith upon the passage of this act, to make a daily report in writing, under oath, to the city treasurer of said city, and deliver the same daily, by his own hand, to said treasurer, or to such deputy or clerk in said treasurer's office specified by said treasurer for said work, showing the name of each prisoner after the date of his first report, upon whom any fine has been imposed or penalty inflicted by said municipal court since the date of his last report, the date when said fine or penalty was imposed, the nature of the offense for which said person was convicted, the amount of money received from such person and the final disposition of said person by said court; and also the aggregate amount of money received by said clerk since the date of his last report; and also of all other moneys received by said clerk in his official capacity since the date of his last report. The first report required by this act from said clerk shall contain the items of information above prescribed for the day upon which said report is made.

It is hereby made the duty of each of the judges of said municipal court to make report to the city treasurer (all in his own handwriting, and deliver the same by his own hand) daily to such person in such treasurer's office as said treasurer may name for said purpose, a statement setting forth the name of each person against whom any fine has been imposed or penalty inflicted in said court by said judge since the date of his last report, the nature of the offense of which said person was convicted, the amount of the fine or nature of the penalty inflicted. And it is hereby made the duty of said city treasurer to forthwith procure a book and to enter, or cause to be entered, in the same, daily, a synopsis of the report made by each of said judges, specifying the judge, and also, in a different part of said book, a synopsis of said daily report made by said clerk, and said book specified in this section, and the reports made as aforesaid are hereby made public records, and the same shall be open to inspection, during business hours, by any taxpayer of said city. The first report required by this act from each of said judges shall contain the items of information above prescribed for the day upon which said report is made."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

## CHAPTER 41.

[H. F. No. 1096.]

AN ACT TO AMEND SECTION SEVENTEEN (17) OF CHAPTER THREE HUNDRED AND FIFTY-ONE (351) OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO THE MUNICIPAL COURT OF THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section seventeen (17) of chapter three hundred and fifth-one (351) of the laws of one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows: When the official reporter of said court shall be required by any of the parties to an action, proceeding or examination to transcribe his record into ordinary long hand or type writing, the parties requiring such transcript shall pay to such reporter eight (8) cents per folio of one hundred (100) words for the transcript and two (2) cents per folio of one hundred (100) words for each copy thereof; *Provided, however,* that either of the judges of said court may order and direct said reporter to furnish such transcripts whenever in the furtherance of justice they or either of them may deem same necessary, and that in no case shall any charge be made against the city of St. Paul for any transcript or transcripts so furnished.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 42.

[H. F. No. 1207.]

AN ACT PROVIDING FOR THE APPOINTMENT OF AN INSPECTOR OF GAS AND GASOLINE LAMPS FOR THE CITY OF ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. There shall be appointed on or before the first (1st) day of June, A. D. one thousand eight hundred and ninety-one (1891) by the mayor of the city of St. Paul, an inspector of gas lights and gasoline lamps in said city. The term of office of said inspector shall be for two (2) years from and after said first (1st) day of June, A. D. one thousand eight hundred and ninety-one (1891), and until his successor shall be appointed and qualified; and the term of his successors shall be for a like period of two (2) years, and they shall be appointed by said mayor.

SEC. 2. The said inspector shall act under the direction and supervision of the board of public works of said city, and shall regularly and constantly visit and inspect all gas lights and gasoline lamps erected or maintained at the public expense, and on the first (1st) Tuesday of each month shall report under oath to the board of public works of said city, together with such other information as the board of public works shall prescribe, the number and location of all gas lights and gasoline lamps which, during the previous month, have been unlighted, extinguished, broken, or destroyed, and the cause and extent thereof, and the amount that the said city of St. Paul may be entitled to be allowed by reason of the said default. The police officers of said city shall continue, as heretofore provided by law, to report to the chief of police of said city the condition of gas lights and gasoline lamps in said city, and the said chief of police shall report such information by him so obtained to the said inspector in such a manner and at such times as the board of public works shall prescribe.

SEC. 3. Whenever by reason of any public improvement or any other reason within the knowledge of the said board of public works the use of the said gas lights and gasoline lamps shall be temporarily unnecessary or impracticable the said board shall notify the said inspector of said fact, and it shall be the duty of the latter to notify the contractors for the lighting of said city of such discontinuance, and the said inspector shall give due notice to said contractors of the time when said lighting shall be resumed.

SEC. 4. All contracts hereafter executed by or on behalf of said city relating to the public lighting of the said city shall provide for a reduction of payments on account of the failure or impracticability as hereinbefore described of the use of said gas lights and gasoline lamps.

SEC. 5. The compensation of said inspector shall be twelve hundred dollars (\$1200) per annum, payable in monthly installments in the same way that salaries of other city officials are paid.

SEC. 6. In addition to the duties of the said inspector as hereinbefore prescribed the mayor of said city may impose upon the said official the further duty of acting as custodian and distributing agent of all stationery and other supplies purchased by the said city for the use of the officers of said city. Except as hereinbefore provided no compensation shall be allowed said inspector for the performance of this service.

SEC. 7. To the performance of the services in this act provided the said inspector shall devote his whole time and attention and for the proper and faithful discharge of said duties he shall give security in such amount and under such conditions as the common council of the said city shall from time to time direct.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 43.

[H. F. No. 1058.]

AN ACT TO CREATE AND ESTABLISH THE OFFICE OF WEIGHER OF COAL AND INSPECTOR OF WOOD FOR THE CITY OF ST. PAUL, AND TO PROVIDE FOR THE APPOINTMENT OF SUCH WEIGHER AND INSPECTOR.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That in addition to the offices now existing under the provisions of the city charter of the city of St. Paul there is hereby created the office of weigher and inspector of coal and wood of the city of St. Paul, who shall hold the office for two (2) years, and until a successor shall be appointed. Said inspector shall receive a salary of twelve hundred (1200) dollars per annum, payable monthly.

The duties of said weigher and inspector of coal and wood shall be such as may be fixed and established by the common council of the city of St. Paul.

SEC. 2. The mayor of the city of St. Paul shall appoint a weigher and inspector of coal and wood immediately after the passage of this act, for the term of two (2) years, and until his successor shall be appointed, and hereafter and on the first (1st) day of April in each alternate two (2) years the mayor shall appoint a weigher and inspector of coal and wood as herein provided.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 44.

[S. F. No. 515.]

AN ACT TO INCORPORATE THE CITY OF WARREN.

*Be it enacted by the Legislature of the State of Minnesota:*

## CHAPTER 1.

SECTION 1. *Creation of Corporation.*—All that part of the county of Marshall, in the state of Minnesota, contained within the limits and boundaries hereinafter described shall be a city, and all the people now inhabiting, and those who shall hereafter inhabit, the same district, shall be and form a municipal corporation under the name of the city of Warren.

The said corporation shall have the power generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and it shall be capable of con-

tracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law or equity; and it shall have a corporate seal which it may alter at pleasure, and it may purchase, lease, take and hold such real, personal and mixed property as may be required for city uses or purposes within or without the limits of the city, and may lease or sell and convey the same.

SEC. 2. *City Boundaries.*—The territory included within the following boundaries and limits shall constitute the city of Warren, viz.:

All of section thirty-six (36) except the north one-half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) in township one hundred and fifty-five (155) north, of range forty-eight (48) west, and all of section one (1) in township one hundred and fifty-four (154) north, of range forty-eight (48) west, all in Marshall county, State of Minnesota.

SEC. 3. *Platted Additions—How Annexed.*—Whenever any territory abutting upon the city of Warren, or upon any addition thereto, shall have been platted by the owner thereof into streets, alleys, blocks and lots, in a proper shape for record, and conforming to and corresponding with the adjacent city, streets, alleys, blocks and lots, and a plat thereof made showing also the adjoining blocks and lots in the city and connecting streets and alleys of the city, accompanied by a properly certified abstract of title to the said territory, showing the title to be in the party or parties represented to be the owners of the land which it is desired to annex to the city, the city council shall, upon the petition of the owners of not less than one-half ( $\frac{1}{2}$ ) of the property of said platted territory, by ordinance, declare the same to be an addition to the city of Warren, and as soon as a proper plat of said addition, together with the petition and a certified copy of such ordinance shall have been duly recorded in the office of the register of deeds of the county in which said city is situated, such territory shall become and be a part of said city and within the jurisdiction thereof as effectually as if the laws had been annexed by an act of the legislature, and the said city council may, by ordinance, divide the same into wards or annex the same to any ward or wards in the city.

## CHAPTER II.

SECTION 1. *Election Officers.*—The elective officers of said city shall be a mayor recorder, three (3) aldermen, treasurer, two (2) justices of the peace, and constable; *Provided*, that if at any time the city council shall divide said city into wards, as provided for in this act, thereafter the elective officers of said city shall be a mayor, recorder, one (1) alderman at large, two (2) justices of the peace, treasurer, and constable. Each ward shall elect two (2) aldermen.

SEC. 2. *Election District—Officers—Qualification and Term of Office.*—Said city, until the same is divided into wards, as provided for in this act, and each ward, after such division has been made, shall constitute an elective district or precinct for the holding of all elections provided for under the General Laws of this state, and also for the election of all officers provided for in this act.

All officers shall be qualified electors of the district in which they shall be elected or appointed, and all elective officers shall hold their offices (except as hereinafter specially provided) for the term of one (1) year and until their successors are elected and qualified.

**SEC. 3. *Annual Elections.***—General elections after the first (1st) shall be held on the third (3d) Tuesday in March of each year. At least twelve (12) days before any general or special election after the first (1st), the city council shall designate three (3) persons to act as judges or inspectors at such election and two (2) persons who shall act as clerks at such election. All elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections, and like notice shall be given. When any election shall be closed the judges or inspectors shall make return thereof to the city recorder within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city recorder shall forthwith give notice to the persons elected of their respective elections.

**SEC. 4. *First Election—How Held.***—The first general election of said city shall be held on the fourth (4th) Tuesday in April in the year eighteen hundred and ninety-one (1891). The village council of the present village of Warren shall, at least ten (10) days before said first general election, designate three (3) persons who are qualified electors to act as judges at said election and two (2) persons to act as clerks at such election. Such election shall be held at such place within the limits of said city as said village council shall designate.

The recorder of said village of Warren shall give at least ten (10) days' notice of the time and place of holding said first city election. When said first election shall be closed, the judges thereof shall make returns thereof to the recorder of the present village of Warren within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the council of the present village of Warren shall meet and canvass the returns thereof, and declare the result as it appears therefrom, and the recorder of the village of Warren shall forthwith give notice to the persons elected of their respective elections.

**SEC. 5. *Special Elections.***—Special elections in and for said city may be held at any time for any proper purpose upon the order of the city council. At least ten (10) days' notice of any such special elections shall be given as provided by law, and such notice shall state the object of such election.

**SEC. 6. *Elections; How Conducted—The Elections—Qualifications of Voters—Vacancy; How Filled—Officers not to be Interested in Contracts—Officers' Oaths and Bonds.***—The elections shall be held and conducted in the same manner and under the same penalties as provided by the General Laws of this state regarding elections, and all elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of the votes shall constitute an election.

When two (2) or more candidates for an election [elective] office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council, at such time and in such manner as the city council shall direct.



All persons entitled to vote for state or county officers, and who shall have resided in said city or any election district thereof for ten (10) days next preceding any general or special election shall be entitled to vote thereat.

Any person removing from the city or any ward thereof for which he was elected or appointed, or any person who shall refuse, for ten (10) days after notice of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacated the office, and any officer having entered upon the duties of his office may resign by giving notice thereof to or with the consent of the city council; and it shall be the duty of such council to declare the office vacant and to provide that the same shall be filled as hereinafter provided. Whenever a vacancy shall occur in any elective office (except justices) by removal, resignation or otherwise, the city council shall have power, and it shall be their duty, to declare the office vacant by resolution entered upon the minutes; such vacancy shall be filled by the city council or the remaining members thereof.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of his predecessor, and with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

No person shall be eligible to, nor shall be elected or appointed to, any office in the city who is in any manner, either directly or indirectly, interested in any contract of the city, regardless as to whether said contract was made with the city council or any officer or board, or committee of such city, for the benefit of such city; and all contracts made by the said city council, or any officer or board of said city, for the benefit of said city, with any officer, either directly or indirectly, shall be wholly void.

Every person elected or appointed to any office under the provisions of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the city recorder; and the treasurer, and recorder and such other officers as the city council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Warren bonds in such amounts and with such sureties and conditions as the city council shall prescribe and approve.

SEC. 7. *Failure to Elect.*—Should there be a failure by the people to elect any persons herein required to be elected, on the day designated, the city council may order a new election to be held, ten (10) days' notice of time and place being given.

## CHAPTER III.

### THE DUTIES OF OFFICERS.

SECTION 1. *Power and Duties of Mayor—Alderman to Act in His Absence.*—The mayor shall be chief executive officer of the city and *ex-officio* president of the city council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all other officers of the city shall discharge their respective duties. He shall designate one (1) of the aldermen of said city, who, in case of the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, shall be

acting mayor, and all acts performed by him while acting in the capacity of mayor shall have the the same force and validity as if performed by the mayor.

**SEC. 2. City Recorder — Power and Salary of — Deputy Recorder.** — There shall be a recorder of the city, styled the city recorder, who shall keep his office at the place of meeting of the city council, or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the city council. Copies of all papers filed in his office and transcripts from all records of the council certified by him under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders upon the city treasury in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

The city recorder shall have power to administer oaths and affirmations and take acknowledgments. It shall be his duty to report to the city council the financial condition of the city whenever the city council shall require. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when or where payable and the rate of interest they respectively bear, and recommend such action to the city council as will secure the interest on such bonds; on or about the first (1st) day of September, or before the time of the levy of taxes in each year, to estimate the expenses of the city, and likewise of the revenue to be raised for the current year. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and countersign the contracts made in behalf of the city, certificates of work authorized by the city council, or by any city officer; and every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the recorder.

The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders or certificates, or evidence of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts of all receipts and disbursements of the officers of the city, showing the amounts they have received from the different sources of revenue and the amount they have disbursed under the direction of the city council.

He shall keep a list of all certificates issued for work or other purposes, and before the levy of the city council of any special tax upon the property of the city, or any part thereof, shall report to the city council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessments which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified to by the affidavit of the recorder, and shall be *prima facie* evidence of the facts therein stated; in all cases wherein the validity of such special tax or assessment shall come into question, the city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

The recorder shall examine all the reports, books, vouchers and accounts of the city treasurer, and from time to time perform such other

duties as the city council may direct, and shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to the inspection of all parties interested.

The city council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the city recorder, a deputy recorder. Said deputy shall have the same powers and be subject to the same duties and liabilities as the city recorder, and he shall be paid for his services out of the salary of the city recorder, who shall be liable for the acts of his deputy.

The city recorder shall receive a compensation to be fixed by the city council, and they may change, increase or diminish the same during the time for which such officer was elected or appointed.

**SEC. 3. City Attorney—Power of City Constable.**—The city council shall have power to elect an attorney of the city, who shall perform all professional services incident to his office, and when required shall furnish opinions in writing upon any subject submitted to him by the city council or its committees. He shall advise with the council and the officers of the city regarding their official duties, and attend the stated meetings of the city council and of such committees as may require his attendance. He shall hold his office for the term of one (1) year, and his compensation shall be fixed by the city council; *Provided*, the city council shall have the right and authority to employ an attorney to assist the city attorney in the prosecution or defense of any proceeding or action at law in which the city is interested, or to discharge the duties of the city attorney when there is none.

The city constable shall have the powers conferred on constables by the laws of this state, and, in addition thereto, all the powers of police officers of said city.

**SEC. 4. Treasurer—Powers, Duties and Bond of.**—The city treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof in such books and in such manner therein provided as the city council shall furnish. The treasurer shall report to the city council annually, on or before the second (2d) Tuesday of March of each year, a detailed statement of the receipts, and a gross statement of the city orders paid during the fiscal year ending on the said date, together with the condition of the treasury at such date, which statement shall be filed with the city recorder, and a copy of the same published in the next issue of the official paper of the city.

The treasurer's books shall be subject at all times to the demand of the city council for inspection, and to its appointed committee therefor, and as otherwise provided for and required in this act. The treasurer shall, before he receives any moneys belonging to said office, give a bond to said city with two (2) or more sufficient sureties to be approved by the city council, for at least one and one-half (1½) times the amount of money that will probably come to his hands during his term of office; said bond shall be kept on file in the office of the city recorder.

It shall be the duty of the city council to inquire diligently and ascertain beyond question that the bondsmen of such treasurer are worth the amount specified as their liability in said bond above all debts and obligations and property exempt from execution.

**SEC. 5. Assessor—Salary, Power and Duties of—Board of Equalization.**—The city council shall, on or before the twentieth (20th) day of April in each year, after the annual charter election, elect an assessor, who shall be styled the city assessor, and who shall perform the duties in relation to the assessing of real and personal property for the purpose of levying city, county, school and state taxes. Upon the completion of the assessment roll, and on or before the fourth (4th) Monday of July, he shall return the same to the city council. The members of the city council and the city assessor shall be a city board of equalization and shall meet on the fourth (4th) Monday in July, at the office of the city recorder, for the purpose of reviewing the assessment, and having each take[n] an oath to fairly and impartially equalize the value of the real and personal property in said city, they may alter, revise and equalize said assessment as they may deem just and proper, which assessment so equalized shall only be subject to review by the state board of equalization. The assessor shall, on or before the second (2d) Monday in August in the year for which the assessment is made, return his assessment books to the county auditor, certified by his affidavit. Said city assessor shall hold his office for one (1) year, and until his successor is elected and qualified.

The assessor shall receive [such] compensation as the city council shall direct.

**SEC. 6. Street Commissioner—Power, Duties and Salary of.**—The city council shall at the first meeting after the annual election, or an adjournment thereof, elect a street commissioner who shall hold his office at the pleasure of the council. It shall be the duty of the street commissioner to conduct, execute or superintend any such work, repairs or improvements upon the streets, alleys, bridges, public grounds or public works of said city as may be committed to him by the city council, and he shall be required to execute a bond with sureties satisfactory to the city council, conditioned for the faithful performance of his duties, and that he will account for and pay over [all] moneys collected or received by him in his official capacity or belonging to the city.

He shall receive such compensation as the city council shall direct.

**SEC. 7. City Surveyor.**—The city council may at their first meeting after the annual election, or as soon thereafter as practicable, elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the city council may prescribe his duties and fix the fees and compensation for any services performed by him.

All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the recorder and be open to the inspection of persons interested. He shall hold his office at the pleasure of the council.

**SEC. 8. City Justices.**—The city justices shall possess powers, rights and duties, and receive like compensation as justices of the peace of this state, and have concurrent jurisdiction with the justices of the peace of the county of Marshall, and shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trials for offenses committed within the city cognizable before a justice of the peace for violation of any provision or provisions of this act, and any ordinance, by law, rule or regulation made or adopted by virtue thereof, and in all cases of offenses committed against the same, and in all cases in which the city is a party, except as hereinafter otherwise provided.

In all cases for assault, batteries and affrays, and all other offenses not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace.

In all cases of conviction for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of said city for breaches of the peace, disorderly conduct, keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for good behavior and to keep the peace for a period of not exceeding six months, and in a sum of not to exceed five hundred dollars (\$500).

All fines and penalties imposed by said city justices for offenses committed within the limits of said city shall belong to and be a part of the general revenue of said city. The city justice shall also have power in cases under this charter and ordinances of the city, when punishment is imprisonment, or by imprisonment in default of fine, to sentence the offender to hard labor in any work established or designated by the city for that purpose, or in case of male offenders sentence them to work on the street, public works or improvements of the city until such person shall work out the amount of such fines and costs at such a rate per day as the city council may fix upon; and may punish and sentence such offenders by imprisonment.

The city justice shall have authority and may commit any person or persons liable to imprisonment under the charter or ordinance of said city to the city prison or to the county jail of Marshall county, and such person or persons, if committed to the county jail, shall be in charge of such officers as hereinbefore specified, but if committed to the city prison shall be in charge of such police officers as the city council may designate.

In all actions, prosecutions and proceedings of every kind before either of the city justices, such city justice shall take judicial notice of all ordinances of said city, and it shall not be necessary to prove or pledge such ordinance in such court;

*And it is further provided,* that whenever, in any action or proceedings before either of said city justices, except in prosecutions for violations of the ordinances of said city, the defendant in such action, or proceeding shall apply for a change of venue under the laws of this state, if he, or his attorney at the same time, shall in his affidavit for such change of venue make oath that the other and remaining city justice (naming him) is interested in the result of said action, or is a material witness for said defendant, without whose testimony he cannot safely proceed to trial, or that from prejudice, bias, or other cause, he believes that such other city justice (naming him) will not decide impartially in the matter, then upon the filing of such affidavit with the city justice before whom such action is then pending, such city justice shall transfer such actions, and all papers appertaining to the same, to one of the justices of the peace of the town of Warrenton, in the county of Marshall, who shall become thereupon possessed of jurisdiction, and full power to hear and determine such action, and shall proceed to hear, try and determine the same according to law, whether such action was commenced under the ordinance of said city or the laws of this state.

**SEC. 9. *Acting City Justices.***—In absence, sickness or other inability on the part of the city justices, the mayor may by warrant authorize any other justice of the peace of the county of Marshall to act and perform, within said city, the duties of said city justices, who shall possess for the time being all the authority of the city justice without any further act whatever, and in such cases it shall be the duty of the mayor to inform the city attorney and chief of police of such substitution.

**SEC. 10. *Attendance of City Justices.***—Said city justices, shall be in attendance at their offices for the transaction of business at such reasonable hours as the city council may prescribe, and complaints may be made to, and writs and process shall on request be issued by, them at all times in court and otherwise.

**SEC. 11. *Reports of City Justices.***—Said city justices shall, as often as the city council may by rule prescribe, make reports to that body of all proceedings instituted before them in which the city is interested, and also account for and pay over to the city recorder all fines and penalties collected by them belonging to the city, and said justices shall be entitled to receive from the county of Marshall such fees in criminal as are allowed by statute to justices of the peace for similar services.

**SEC. 12. *Officers of the Peace.***—The mayor, acting mayor and sheriff of the county of Marshall or his deputy or deputies, coroners, and each alderman, the justice of the peace, police officer, constable and watchman shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of bystanders, and if need be, of all the citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine not to exceed fifty dollars (\$50.00), and in default of the payment thereof be imprisoned not to exceed thirty (30) days, and in cases where the civil power may be required to suppress riots or disorderly behavior a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

**SEC. 13. *City Printing—Official Paper—Duty of City Printers—Officers—Must Deliver Papers to his Successors.***—The city council at their first meeting after each annual election, or as soon thereafter as may be, may advertise for proposals to do the city printing, giving public notice of not less than one week in such manner as the council may direct, that sealed bids will be received by the recorder to do said printing. The bid or bids shall be publicly opened and read by the recorder, at such time and place as the council may appoint, and the person or persons offering to do such printing for the lowest sum of money or price, in any newspaper printed in that city, and shall give satisfactory security for the performance of the work, shall be declared the city printer for the ensuing year; *Provided*, that the city council shall have the power to reject any and all bids.

In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matter required by this act or by the by-laws or ordinances of the city council to be published in a public newspaper.

The city printer or printers immediately after the publication of any notice, ordinances or resolutions, which is required to be pub-

lished, shall file with the city recorder a copy of such publication with his affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution; *Provided*, If no newspaper shall be designated as the official paper of this city then any or all of the public printing of said city may be done in any newspaper printed [or published] in the county of Marshall, and all publications so made shall have the same force and effect as if made in an official paper.

If any person having been an officer of said city shall not, within ten (10) days after notification and request, deliver to his successor all property, all books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, his successor may take possession of said books, papers and effects in the manner prescribed by the laws of this state, and such person shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment not more than ninety days, or both.

SEC. 14. *Council's Authority to Prescribe Further Duties of Officers—Term of Office Limited—Compensation of Officers—Interest in contract.*—The city council shall have power at any time to require other and further duties to be performed by any officers whose duties are herein described and not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one (1) year and until his successor is elected or appointed and duly qualified.

The city council shall have the power, unless otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution, and in regard to all offices created by this charter the compensation shall be fixed within three (3) months from the first organization or meeting of the city council, and the compensation so fixed shall not be changed, increased or diminished during the term for which such officers were elected or appointed, except that of the city recorder. No officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office; *Provided*, that the mayor and aldermen shall receive no compensation for their services as such officers in excess of ten dollars (\$10) in any one year.

## CHAPTER IV.

### OF THE POLICE.

SECTION 1. *Mayor Chief Executive Officer.*—The police force of the city shall consist of the mayor (who shall be the chief executive officer of the city, and who shall at all times have control and supervision of the police of the city) and such other policemen and watchmen as he shall, by and with the consent of the city council, appoint. He shall have the power to remove, suspend or discharge any police of-

ficer summarily whenever in his opinion the well being of the city may demand it, either for the appointment of another officer in their places, or the reduction of the police force.

**SEC. 2. Mayor May Appoint Special Policemen for Special Places.**—The mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city, and have police powers to preserve the peace and protect the property within such limits and places as may be designated in such appointments; but such limited policemen shall not exercise any police authority, nor wear any official badge, outside the limits named in such appointment.

**SEC. 3. Special Policemen in Cases of Riots, Etc.**—The mayor shall, in case of riot or large public gatherings or disturbance, or when in his judgment the case requires, appoint such number of special policemen or temporary police officers as he may deem necessary, but such temporary appointments shall not continue for more than one week without the consent of the council.

**SEC. 4. Mayor to Designate Chief of Police.**—The mayor shall in his appointments designate one officer to be chief of police, and such other officers for special duties, and with such control over other officers or watchmen as he may deem necessary, and may designate the rank of such police officers by such proper title as he may select.

**SEC. 5. Powers of Police Officers—Fees and Rewards.**—All police officers and watchmen of the city shall possess the powers of constables at common law under the laws of this state, and in addition thereto shall have power, and it shall be their duty to serve and execute all warrants, processes, commitments and any writ whatsoever, issued by any justice of the peace, and they shall have power, with the consent of or by the directions of the mayor, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the city and such criminals are charged with offenses against the state law, they shall be entitled to receive for their own use all fees for such pursuits and all rewards offered for the apprehension of such criminal.

**SEC. 6. Regulation of Police Force.**—The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercises of the police force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force.

**SEC. 7. Penalty for Assuming to Act as Police Officers—Police Officer to Give Bond.**—If any person shall, without authority, assume to act as a policeman, or pretend to have such powers, or wear a badge of a policeman in the city, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars (\$100) or imprisonment not exceeding thirty (30) days.

Before any police officer of said city shall serve any writ or process, civil or criminal, he shall execute to the city of Warren a penal bond, with security to be approved by the city council, to the same amount and conditioned the same as the bond of the constables under the laws of this state; such bond shall be filed in the office of the city recorder for the use of all persons.



## CHAPTER V.

## THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

**SECTION 1. *City Council—Quorum—Style of Ordinance.***—The mayor, recorder and aldermen shall constitute the city council. The style of all ordinances shall be "The city council of the city of Warren do ordain." A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

**SEC. 2. *Regular and Special Meetings of Council.***—The city council shall hold stated meetings which shall be held as prescribed by the resolutions of the council, and the mayor may call special meetings of the council by a notice to each of the members, to be delivered personally, or left at their usual place of abode or business, which said notice shall contain a statement of the business for which said meeting is called; and no other business shall be transacted in such special meeting except such as shall be designated in such special notices.

**SEC. 3. *City Council—Judge of Elections of its Members—Rules of Procedure—Record of Proceedings.***—The city council shall be the judge of the election and qualifications of its members, and in such cases shall have the power to send for persons and papers. It shall determine the rules and regulations of its own proceedings and have power to compel the attendance of absent members, and may provide for the punishment of such absent members in addition to the forfeiture provided in this act. It shall keep a journal of its proceedings, and the ayes and nays, when demanded by any member present, shall be entered on the journal.

**SEC. 4. *Removal of Officers—Notice—Hearing.***—The city council shall have power to remove from office any officers of said city, whether appointed by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges against him, nor until each person shall have had reasonable opportunity to be heard in his own defense; continued absence from the meetings of the council, in case of the aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract of the city, shall be good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses and to hear and determine the case, and if such officer refuses or neglects to appear or to defend himself, the council shall declare the office vacant.

**SEC. 5. *Control of Finances and Property—County Jail to be Used as City Prison—Sheriff and Jailer to Receive Prisoners—Power of Council to Enact Ordinances.***—The city council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the powers herein invested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as

they shall deem expedient; they shall have power to establish and maintain a city prison; *Provided*, that until otherwise ordered by the city council, the county jail of the county shall be used as a city prison, and it shall be the duty of the sheriff or jailer of the county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The city council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any provisions of any ordinance or by-laws passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all the force of law, *Provided*, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws:

*First*—To license and regulate the exhibition of common showmen and shows of all kinds; the exhibition of caravans, circuses, concerts, theatrical performances, and also to license and regulate all auctioneers, billiard tables, bowling alleys, nine or ten pin alleys, butcher shops and butcher stalls and venders of butcher meats, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, skating rinks, victualing houses, and all places of public amusement, and persons vending or dealing in spirituous, vinous, fermented or malt liquors, and all dealers in second-hand goods, junk dealers, and all keepers of intelligence offices and employment offices; all draymen and hackmen; *Provided*, that the power to regulate above given shall extend to and be construed to include among other powers the power to define who shall be considered pawnbrokers, auctioneers, dealers in second-hand goods and junk dealers.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gambling, within the city, and to restrain from vending or dealing in spirituous, vinous, fermented or malt liquors, unless duly licensed by the city council, and no license issued by the city council shall be transferable except by authority of the city council; *Provided*, that nothing contained in these articles of incorporation shall be so construed as to prevent the people of the city of Warren from deciding for themselves whether or not license shall be granted to any person or persons in said city to sell lager beer, spirituous, vinous, malt or fermented liquors; and the city recorder is hereby required, on a petition of ten (10) or more legal voters of said city, at any time not less than ten (10) days before any annual city election, to give notice that the question of license will be submitted at said election, and notice thereof shall be given by said city recorder at the same time and in the same manner that notices of annual city elections are given, and said question of license shall be determined by ballot containing the words: "In favor of license," or, "against license" (as the case may be), which vote shall be canvassed and returned as is by law prescribed for canvassing election returns, and if such returns show a majority of the votes cast at such election to be against license, then in such case the city council shall grant no license to sell lager beer, spirituous, vinous, malt or fermented liquors in said city of Warren until reversed in the same manner at a subsequent general election, except to persons legitimately and *bona fide* engaged in the business or occupation of druggist, and then only for medical and mechanical purposes; *And provided*, that no license

shall be granted to any person to deal in or vend within the city limits any spirituous, fermented or malt liquors for a less sum than five hundred dollars (\$500) as a license for one (1) year or a part of one (1) year, nor a greater sum than one thousand dollars (\$1,000) for the same period of time.

*Third*—To prevent any fighting, brawling, assault, battery, disorderly noise, riot and disorderly assemblage in said city, and to provide for the arrest and punishment of any person or persons who may be guilty of the same; to suppress disorderly houses and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purpose of gambling.

*Fourth*—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, hide warehouse, stable, barn, privy, sewer or other unwholesome nuisance, house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

*Fifth*—To direct the location and management and location of stock-yards, slaughter houses, markets, breweries, distilleries, soap factories, glue factories, and bone-boiling establishments, and to regulate the storage, keeping and conveyance of gunpowder, dynamite or other explosive or combustible material, and to regulate the use thereof in the city.

*Sixth*—To prevent incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs, or any other material whatever.

*Seventh*—To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys; and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair sidewalks, also suitable crossings at the intersection of streets and alleys, and sewers, ditches and culverts when the council shall deem necessary; to regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railroad tracks over such streets and avenues of the city as the city council shall deem to require such precaution; to prevent and punish immoderate driving or riding in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing on the streets, and to require that all persons driving horses or mules at a faster gate than a walk, attached to sleighs, shall have a sufficient number of bells to give notice of their approach; and to regulate places of bathing and swimming in the waters within the city limits.

*Eighth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties for the violation of the ordinance.

*Ninth*—To prevent the running at large of dogs, and to require a license for keeping the same, and to provide for and authorize the impounding and destruction, in a summary manner, of all dogs when at large contrary to the ordinance.

*Tenth*—To prevent any person from bringing, depositing or leaving within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons, and to provide for the punishment of offender.

*Eleventh*—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs, and to erect lamp; to provide for the lighting of the city; to contract for the erection of gas works for lighting the streets, public grounds and public buildings, and for the erection and maintenance of any and all systems of electric lights for light purposes; to create, extend and alter lamp districts, or to contract with other parties to furnish gas or electric lighting for such purposes.

*Twelfth*—To establish and regulate boards of health, provide hospital and hospital grounds, and for the registration of births and deaths and the return of lists of mortality; and to regulate and prevent the burial of dead within the city limits.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered for sale contrary thereto.

*Fourteenth*—To prevent any person from riding or driving any ox, horse, mule, cattle or other animals on the sidewalks of the city, or in any way doing damage to such sidewalk.

*Fifteenth*—To prevent the shooting of firearms or fire crackers, and to prevent any exhibition of firearms or fireworks in any situation which may be considered by the city council dangerous to the city, or to any property therein, or annoying to any of the citizens thereof.

*Sixteenth*—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons guilty thereof.

*Seventeenth*—To license and regulate porters, hackmen, expressmen and all runners, agents, solicitors for stages, cars, public houses or other establishments.

*Eighteenth*—To establish public markets and other public buildings; to make rules and regulations for the government and management thereof; to appoint suitable officers for the management thereof, and to provide for the enforcement of all rules and regulations in regard to the same.

*Nineteenth*—To license and regulate butchers' stalls, shops and stands for the sale of game and fish, butter, poultry, butchers' meat and provisions. Also to license and regulate or restrain and suppress all peddlers, canvassers, solicitors of orders for the future delivering of goods in retail quantities, transient traders and persons selling goods at retail by sample.

*Twentieth*—To regulate the place and manner of weighing and selling hay and straw, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first*—To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substance as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer at the expense of the owners or occupants; also to compel the owners of low ground where water is liable to collect and become stagnant, to fill or drain such low places, and in their default to authorize such fillings or drainings at the expense of such owners, and to provide that such expense shall become a lien upon the lot or property so drained or filled.

*Twenty-second*—To regulate and prevent the landing of persons from railroad cars or other conveyance infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the city.

*Twenty-third*—To regulate the time, manner and place of holding public auction or vendues.

*Twenty-fourth*—To provide for watchmen and fire wardens and prescribe their number and duties, to regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties and to regulate the same.

*Twenty-fifth*—To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal, and all kinds of meat, poultry, game, fish, salt, whisky and other liquors and provisions and to authorize the seizure and destruction of any grossly impure or adulterated articles sold that are dangerous to the public health, and to provide for the punishment of the use of false weights and measurements.

*Twenty-sixth*—To appoint inspectors, weighers and gangers, and to regulate the duties and prescribe their compensation.

*Twenty-seventh*—To purchase or acquire, by gift or device, lands within the city limits, or to take and hold by lease such lands for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees in the street, alleys, parks or other public grounds and highways of said city, and to appoint a suitable person to inspect and take charge of the same, and fix the compensation and prescribe his duties.

*Twenty-eighth*—To remove and abate any nuisance injurious to the public health or morals, and the city council shall have power to define what shall be considered nuisance and to provide for the punishment of all persons who erect and maintain such nuisance.

*Twenty-ninth*—To remove and abate any nuisance, obstruction or encroachments upon any of the streets, alleys, or public grounds and highways of the city.

*Thirtieth*—To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the city, and the suppression of disease; to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city.

*Thirty-first*—To authorize the arrest, fine and imprisonment of vagrants, of all persons who not having visible means to maintain themselves, or without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of ill repute, gambling houses, railroad depots, or fire engine houses,

or who shall be trespassing in the night time upon the private premises of others, or begging, or placing themselves in the street or other thoroughfares or public places to beg or to receive alms; also keepers, exhibitors at any gambling table or visitors at any gambling table, gambling house, houses of fortune telling, place for cock fighting or other places of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any articles or things used for obtaining money under false pretences, or who shall disturb any place where public or private schools are held, either on week days or Saturday, or places where religious worship is held.

*Thirty-second*—To license and regulate draymen, hackmen, expressmen, and other persons engaged in the carrying of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and chief of police of said city to regulate and direct the location of vehicles standing upon streets and public grounds in said city.

*Thirty-third*—To regulate the construction of all buildings more than two stories in height, and prescribe fire limits in said city, and to prohibit the erection of wooden buildings, or of placing wooden sidewalks within said limits.

*Thirty-fourth*—To provide for and regulate the erection of hitching posts or rings for the fastening of horses or other animals, or to prohibit the same in any portion of the city.

*Thirty-fifth*—To regulate the opening of hatchways and cellarways upon the streets and sidewalks of the city, and to compel proper guards about the same.

*Thirty-sixth*—To regulate the numbering of houses and lots, and compel owners of houses and other buildings to have such numbers designated thereon.

*Thirty-seventh*—To require the owner or lessee of any building or structure now or hereafter erected in said city to place thereon such fire escapes and such appliances for the protection against or extinguishment of fires, as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident.

*Thirty-eighth*—To regulate and control the quality and measurement of gas, to prescribe and enforce rules and regulations for the manufacture and sale of gas, to provide for the inspection of gas and water metres, and appoint an inspector and prescribe his duties.

*Thirty-ninth*—To regulate the location, size and construction of steam boilers, as it may designate as being dangerous to life and property.

*Fortieth*—To regulate and control or prohibit the placing of poles therefor, or the suspending of electric or other wires along or across any of the streets of said city, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed and placed beneath the streets and sidewalks of the city; to compel the proper insulation of all electric light wires and other wires in use within the city.

*Forty-first*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-second*—To restrain, regulate and control the cutting of ice within the limits of the city.

**Forty-third**—The city council is authorized to permit the construction and operation of street railways within the said city, and may designate the street or streets on which the same may be constructed, and may impose such restrictions and limitations on the same as to the council may seem proper; but no such privilege shall be granted to any individual or individuals for a longer period of time than twenty (20) years, and the said council may also provide for the introduction and use of electric lights within said city under such regulations as the council may prescribe.

**Forty-fourth**—The city council may also provide for the laying out and construction of a system of general sewerage within the said city, and, if authorized thereto by a majority of the electors who shall vote upon the question of the issuing of such sewerage bonds at any general or special election, may issue and negotiate the bonds of said city in any amount not exceeding five thousand dollars (\$5,000) to pay for the same. Such bonds to run for such length of time, and to bear such rate of interest, not exceeding eight (8) per cent, as to the council may seem proper.

**Forty-fifth**—To divide said city into wards and number the same whenever in the judgment of the city council such division is necessary or proper.

**Forty-sixth**—To prevent and prohibit all persons, corporations or associations from building, constructing, maintaining or keeping within the said city any barbed wire fence or other fence constructed of such material as to be dangerous to the public.

**Forty-seventh**—To purchase and hold cemetery grounds within or without the city limits; inclose, lay out and ornament the same; to provide for the protection thereof, and to sell and convey lots therein by deed.

**SEC. 6. Ordinances—How Passed, Published and Recorded.**—All ordinances shall be passed by an affirmative vote of a majority of the members of the city council by ayes and noes, which shall be entered upon the records of the council and published once in the official paper of the city, if there is one, and if not then in one of the newspapers in Marshall county, signed by the mayor and recorder and recorded by the recorder with the affidavits for the publication thereof before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented except by the unanimous consent of the members present, which shall be noted in the records; but this shall not preclude the passage of any ordinance reported by any committee of the council, to whom the subject of such ordinance shall have been referred at any previous meeting.

**SEC. 7. Copy of Record of Ordinance Prima Facie Evidence.**—A copy of the record of any ordinance passed, certified by the city recorder and attested by the seal of the city, and any copy thereof published as aforesaid or compilations of the ordinance made and published under the direction of the city council, shall be *prima facie* evidence of the contents of such ordinance, and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof.

**SEC. 8. Appropriations.**—No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, and an appropriation amounting to five hundred dollars (\$500) or

more shall not be made unless by a four-fifths ( $\frac{4}{5}$ ) vote of all the members of the council in its favor.

SEC. 9. *Abatement of Nuisances by Suit not Prevented.*—The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 10. *Adjustments of Accounts of City Officers.*—The city council shall audit, examine and adjust the accounts of the treasurer and all other officers of the city at such times as they deem proper, and also at the end of each year, and before their term of office shall expire, and if any officer shall refuse to exhibit his book accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the city council in the discharge of his duties in pursuance of this section, the city council shall declare such office vacant, and the city council shall order suits and proceedings at law against any officer or agent of the city who may be found delinquent or defaulting in his accounts or the discharge of the official duties, and shall make a full record of all settlements and adjustments.

SEC. 11. *Control of Finances and Property.*—The city council shall have the management and control of the finances and all the property of the city both real and personal, and may provide for the sale of any city property in such manner as it shall consider for the best interests of the city.

SEC. 12. *How City may Acquire Private Property.*—The city council shall have power to acquire by purchase, grant or condemnation such private property as may be necessary for sites for public buildings for the use of the city or any department thereof, and for all streets, alleys, parks, public squares, public grounds in said city, and to ascertain and determine the value of such private property taken for such uses, and the amount of damages occasioned to any such private property by reason of any public works or structures, and for that purpose may appoint juries as committees to appraise such values or damages, or to acquire information thereof in any other manner deemed advisable by said city council.

SEC. 13. *Licenses—For What Time Granted—Revocation of.*—Any license issued by the authority of the city council may be revoked by the mayor or council at any time, and upon conviction before any court of any person holding a license for the violation of any provision of any ordinance relative to the exercise of any right granted by such license, the court may, and upon second (2d) conviction shall, revoke such license in addition to the penalty provided by law or ordinance for any such violation.

No license shall be granted for a longer period than one (1) year, and any license granted for a longer period than one (1) year shall be void from the beginning.

SEC. 14. *Punishment for Breach of Ordinances.*—The city council may impose punishments for the breach of any ordinance, rule or by-law of the city, to the extent of a fine not exceeding one hundred dollars (\$100), and imprisonment in the city prison or county jail of Marshall county for a period not exceeding ninety (90) days, and offenders against city ordinances may be required to give security to keep the peace and for good behavior for a period, not exceeding five hundred dollars (\$500).



SEC. 15. *Offenders may be Put to Labor.*—The city council may also provide by ordinance that any person convicted of any offense before a city justice of the peace subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or in any case a male offender may be kept at hard labor during his term of punishment in such workhouse or upon public improvements or otherwise of said city or both, and may also provide by ordinance that any one convicted of an offense before one of the city justices of the peace, and committed for non-payment of fine imposed, may be kept at hard labor either in such workhouse or upon public improvements or otherwise, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, not exceeding the time of such commitment, and the council shall have full power to establish by ordinance all needful regulations for the security of such person thus employed, and to prevent escape and secure proper discipline, and shall have power to establish a workhouse in said city for the purpose aforesaid, and under such regulations as the city council may prescribe.

## CHAPTER VI.

### FIRE DEPARTMENT.

SECTION 1. The city council shall have power to establish a fire department, and provide for the proper support of the same, and shall have supervision of the officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines, and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the city and all others present to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them, or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the reality and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate to be assessed and collected as other taxes in such city; to regulate the storage of gunpowder and other dangerous materials; to require the construction for safe places for the deposit of ashes; to regulate the manner of putting up stovepipes, and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and fire-arms in the city, or any part thereof; to authorize fire wardens at all seasonable times to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

## CHAPTER VII.

## TAXATION AND BONDS.

**SECTION 1. *But One Fund.***—There shall be but one fund in said city, and that shall be known and designated as the general fund; and all moneys due or belonging to said city shall go into said fund, and all moneys appropriated or paid out, for whatever purpose, shall be paid from said fund.

**SEC. 2. *Levy of Tax.***—The city council shall have power to levy an annual tax upon all property in said city, taxable under the laws of this state, but no such tax shall exceed two (2) per cent of the assessed valuation of such property. All taxes as levied and collected shall be paid into the city treasury and become a part of the general fund.

**SEC. 3. *Tax, How Levied—Not Invalid for Informality.***—Taxes may be levied by resolution of the city council to be entered on the record, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised.

**SEC. 4. *Statement of Taxes Levied to County Auditors.***—The city council shall cause to be transmitted to the county auditor of Marshall county on or before the first (1st) day of October of each year, or at such time as required by the general laws of the state, a statement of all taxes as levied by them, and such taxes shall be entered and collected and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced, and the county treasurer of said Marshall county shall pay over to the treasurer of said city any and all taxes and moneys collected by him or received by him for said city as provided by general law.

**SEC. 5. *City Bonds—How Issued.***—The city council shall have power, when so authorized by a majority of the legal voters present and voting at any general or special city election of which due notice as to time, place and object of election has been given, to issue the bonds of said city running not more than twenty (20) years, and bearing not more than eight (8) per cent interest per annum, principal and interest payable at such times and places as may be fixed by the resolutions of the council. Such bonds shall be signed by the mayor, sealed with the seal of the city, and attested by the recorder. Such bonds shall be sold at not less than par, and the proceeds from the sale of such bonds shall go into and become a part of the general fund of the city. The bonded indebtedness of said city shall not at any time be more than ten thousand dollars (\$10,000.)

**SEC. 6. *Poll Tax—Levy and Collection.***—Every male inhabitant of said city between the ages of twenty-one (21) and fifty (50) years, excepting such as are exempt by law, who may reside within the limits of said city at any time between the first (1st) day of May and the first (1st) day of November of each year, and have not worked out or paid poll tax in any other place, shall be liable to a capitation or poll tax; and it shall be lawful for the city council at any time to levy the same, but such poll tax shall not in any one year exceed two (2) days' work on each person liable therefor; which may be commuted by any party so taxed by the payment to the street commissioner of the sum of one dollar and fifty cents (\$1.50) per day, and the street commis-

sioner shall expend all moneys so received on the streets, alleys and highways under the direction of the city council. The laws of this state shall apply to warning, working, suing for and enforcing the collection of such poll tax, except as herein otherwise expressly provided.

## CHAPTER VIII.

### CONDEMNATION OF PRIVATE PROPERTY TO PUBLIC USE.

**SECTION 1. *Proceedings—Notice, How Served.***—Whenever the city council shall intend to lay out and open, change, widen or extend any highway, street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten watercourses therein, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the recorder, and they may purchase or take by donation such grounds as shall be needed by agreement with the owners, and take from them conveyances thereof to the city for such use or in fee; but otherwise they shall by resolution declare their purpose to take the same and therein describe by metes and bounds the location of the proposed improvements, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each district owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place, when and where they will apply to a justice of the peace of the city for a jury to condemn and appraise the same. They shall thereupon cause to be made by the recorder, a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested, that the council will, at the time and place named, apply to a city justice of the peace for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in justice court, and the return on the summons shall be conclusive evidence of the fact stated therein. If the notice cannot be so given as to all the parcels then the same shall be also published once in each week for three (3) successive weeks, in a newspaper published in such city or county; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served, and such publication made for three (3) weeks, complete at least one (1) week before the time fixed therein for such application. If any person so served with notice shall be a minor, or of unsound mind, the justice, before proceeding, shall on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

**SEC. 2. *Jury—Hearing.***—At the time and place fixed for such hearing the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the last section, shall be filed with the justice, who shall thereupon make a list of twenty-four (24) competent jurors not interested, but residents of the village shall not be disqualified by reason of such

residence. He shall hear and decide any challenges for cause or favor made to any one, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the city council by its representative on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the city justice, on the other, shall challenge six (6) names, one at a time, alternately, the city council beginning. To the twelve jurors remaining the justice shall issue a venire, requiring them at an hour on a day named, not more than ten (10) nor less than three (3) days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and, at the same time, shall publicly adjourn the proceedings to the time and place so named; such venire shall be served by any constable or police officer at least one (1) day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family of suitable age and discretion. The jurors summoned shall appear at the time and place named, and if any be excused by the justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead until twelve (12) be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

SEC. 3. *Jury to Assess Damages.*—Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him, to hear such competent evidence as shall be produced by any party; and for such purposes such magistrate shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisal for damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvements; and a majority of such jury may render such verdict or appraisal of damages and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn and proceed in the same manner.

SEC. 4. *Appeal—How Taken.*—Within ten (10) days after verdict any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the district court, and the city may likewise appeal from the award of damages to any owner by filing with such justice a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith a bond with two (2) suf-

sufficient sureties, to be approved by the justice, to pay all cost that may be awarded against such appellant on the appeal and paying the justice for the return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken, the justice shall transmit to the clerk of the district court, within ten (10) days, the notice of the appeal and bond, and thereto annex a copy of all papers and proceedings before him with his certificate thereof. He shall, after the time for appealing is expired, file with the city recorder, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings. Upon filing such transcript in the district court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to trial and appeal to the supreme court. The case shall be tried by a jury, unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment, the clerk of the district court shall transmit a certified copy thereof to the city recorder.

**SEC. 5. *Proceedings Upon Verdict.***—If the verdict of the jury first called find it necessary to take such land, or any part thereof, the city council may, upon return thereof to the recorder, enact an act in accordance therewith, for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such watercourse, but shall not enter upon any such land therefor until the owner be paid in full or the damage be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the recorder to permanently remain subject to his order. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part of the same, the amount so awarded shall be set apart in the city treasury for whoever shall be entitled thereto, and paid over to the person or persons who shall show a clear right to receive the same. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for damages, the city council may discontinue all proceedings therefore taken, and the city shall in such event be liable for the cost only. All the cost of every such proceeding shall be paid by the city, except when it recover costs in the district court or supreme court. Fees and costs shall be the same as in civil action.

**SEC. 6. *Taxes for the Expenses and Damages—How Levied.***—For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in last preceding section, the city council may, by resolution, levy and assess the whole, or any part not less than one-half ( $\frac{1}{2}$ ) of such expenses as a tax upon such property as they shall determine is especially benefited thereby, making therein a list thereof in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite.

Such resolution, signed by the mayor and recorder, shall be published once in each week for two (2) weeks in a newspaper printed regularly in such city, or if there be no such newspaper, three (3) copies thereof shall be posted by the recorder in three (3) of the most public places in such city, and a notice therewith that at a certain time therein stated the said council will meet at their usual place of meeting and hear all objections which may be made to such assessment, or to any part thereof. At the time so fixed, the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day not more than three (3) days, and may, by resolution, modify such assessment in whole or in part. At any time before the first (1st) day of September thereafter any party liable may pay any such tax to the city treasurer. On such first (1st) day of September, if any tax remains unpaid, the recorder shall certify a copy of such resolution to the county auditor, showing that taxes thereby levied remain unpaid; and the county auditor shall put the same upon the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith.

## CHAPTER IX.

### STREETS, SIDEWALKS, BRIDGES AND SPECIAL ASSESSMENTS.

**SECTION 1. *Power Over Streets, Public Grounds, Etc.***—The city council shall have the care, supervision and control of all highways, bridges, streets, alleys, lanes, public parks, public squares and public grounds within the limits of the city, and shall have power to build and keep in repairs bridges and alleys, and lay out, open and alter public squares, parks, lanes, public grounds, streets, highways and alleys, and to extend, narrow, widen or straighten the same, and to purchase, hold and convey lands in fee simple, and to take grounds for the sites of public buildings and public parks, subject to the assessments of damages hereinbefore provided.

**SEC. 2. *Road Districts—Duties of Street Commissioners.***—Said city shall constitute one (1) road district, and the streets and highways shall be under the exclusive care and supervision of the city council, and the powers and duties of the street commissioner shall be the same as those of road overseers under the laws of this state, except as herein otherwise provided.

**SEC. 3. *Grades of Streets.***—The city council shall have power to establish the grade of any street when such grade has not been established, and may, by vote of four-fifths ( $\frac{4}{5}$ ) of the members of the council change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city recorder.

**SEC. 4. *Work Done Under Contract—When.***—All work done pursuant to the provisions of this chapter calling for an expenditure of one hundred (100) dollars or more, shall be done under contract. A public notice shall be given and proposals invited for doing the same in such manner as the council shall direct.

**SEC. 5. *Expense of Grading Streets, Etc.***—The expense of filling, grading, planking and macadamizing streets, highways and alleys, and of constructing and repairing sewers, gutters and ditches, shall be chargeable to the lots or parcels of land abutting upon such streets,

highways, alleys, sewers, gutters and ditches in proportion to the frontage, without reference to the value of the land.

SEC. 6. *Proceedings Under Petition.*—Whenever a petition of the owners of more than one-half ( $\frac{1}{2}$ ) of the land abutting on any street, highway or alley, or any part thereof, or of the owners of more than one-half ( $\frac{1}{2}$ ) of the land abutting on any street, highway or alley, or any part thereof, in or under which it is proposed to construct or repair any sewer, gutter or ditch, shall be presented to the city council, requesting that they shall fill, grade, plank, or macadamize any such street, highway, alley, or any part thereof, or construct or repair such sewer, gutter or ditch, at the next meeting thereafter, or as soon as may be, such council shall pass a resolution ordering that such street, highway, alley, sewer, gutter or ditch shall be filled, graded, planked, paved, macadamized, constructed or repaired as requested in said petition, and shall file such order in the office of the city recorder. Both said petitions and said order shall be recorded in the records of the city. The city council shall thereupon cause plans and specifications of the work to be done to be made and filed in the office of the city recorder for the use of all persons interested, and thereupon the recorder shall give public notice that at a time stated the city council will meet at its usual place of meeting, and receive sealed bids for the performance of such work. Such sealed bids shall be left with the city recorder. At the time stated in the notice the city recorder shall open all bids in the presence of the council, and the city council shall consider the same, but shall have the right reject any or all bids. In case a bid is accepted the city council shall enter into a contract in writing with the person or persons whose bid is so accepted for the performance of such work, and the council may require a bond for the performance of the contract. The city council shall, as soon thereafter as may be, by resolution, levy a special tax or assessment sufficient to cover the contract price of the work, upon all the land abutting upon the work to be done, and upon each piece or parcel thereof, in proportion to the frontage. The city recorder shall thereupon cause a notice to be published in the official paper of the city, if there is one, and if not, then in any newspaper in the county. Such notice shall state the fact of the levy of such special tax or assessment, the amount levied upon each lot or parcel of land, and the names of the owners, if known. The notice shall be published three (3) times; and shall further state that the persons liable to such tax or assessment may pay the same at any time within six (6) weeks from the date of said notice to the city treasurer. At the time of publishing such notice the city recorder shall deliver the assessment roll to the city treasurer. At the end of six (6) weeks the treasurer shall return the assessment roll to the city recorder, showing what taxes have been paid and what remain unpaid. The city recorder shall, before the first (1st) day of October following, or at such time as may be required by the laws of this state, certify to the county auditor the description of lots or parcels of land upon which such special tax has not been paid, the amount of tax due on each, and the names of the respective owners, if known. The city recorder shall add a penalty of ten (10) per cent on all such taxes so certified to the county auditor. Such taxes so certified shall be entered and collected in the same manner that state and county taxes are collected, and when collected shall be paid over to the city treasurer.

SEC. 7. *Proceedings Without Petition.*—The city council may, by an affirmative vote of four-fifths ( $\frac{4}{5}$ ) of all the members elected, by resolution, order that any street, highway or alley, or any part thereof, shall be filled, graded, paved, macadamized, or otherwise improved, or that any sewer, gutter or ditch shall be built or repaired without petition. When any such order has been made by the city council and recorded, all subsequent proceedings in the matter shall be the same as in case where a petition of owners of more than one-half ( $\frac{1}{2}$ ) of the abutting property is presented to the council.

SEC. 8. *Railroad Company not to Obstruct Streets.*—No railway company or street railway company shall have any right, in clearing their tracks through any part of said city or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person, who shall be injured by means of any such obstruction caused by such company or its servants, for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover the same from the company by whom the obstruction was caused.

SEC. 9. *No Liability for Insufficiency of Streets—When.*—The acceptance of plats of additions of any grounds or subdivisions thereof, either within or without the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets until the city council shall direct the same to be graded and open for travel.

SEC. 10. *Vacating Streets—Exclusive Power of Council.*—The city council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one or more residents and freeholders in said city; such petition shall set forth the facts and reasons for such vacation, accompanied by the plat of such public grounds, streets, alleys or highways, proposed to be vacated, and it shall be verified by oath of the petitioners. The city council shall thereupon, if they deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city recorder, who shall give notice by publication in the official paper of the city for four (4) successive weeks at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of said publication. The city council or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The city council shall thereupon after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a four-fifths ( $\frac{4}{5}$ ) vote of all the council members elect, declare such public grounds, streets, alleys or highways, vacated, which said order, after the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such order, duly certified by the city recorder, shall be filed for record and duly recorded in the office of the register of deeds of the county of Marshall.



**SEC. 11. *Appeal Vacating Street.***—Any person feeling aggrieved by such vacation or discontinuance may, within twenty (20) days after the publication thereof, by notice in writing served on the mayor of said city, a copy whereof, with proof of service thereof, shall be filed in the office of the clerk of the district court of the county of Marshall, appeal to said court from such vacation or discontinuance, where such appeal shall be tried by the court and jury as in ordinary cases, and the judgment of which court shall be final. It shall be the duty of the city recorder, as soon as such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

**SEC. 12. *Plat of Vacated Streets Filed with the Register of Deeds.***—Whenever any highway, street, alley or public ground is laid out, widened, narrowed or enlarged, or any of the same are vacated or discontinued under the provisions of this act, the city council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds of Marshall county.

**SEC. 13. *Right of Way Over Streets.***—The city council shall have the power and authority by a vote of four-fifths ( $\frac{4}{5}$ ) of all the members of the city council, to grant the right of way upon, over and through any of the [public] streets, highways, alleys and public grounds of said city to any railway company or other corporation, upon such limitations and conditions as they may prescribe by ordinance.

**SEC. 14. *Sidewalks—Grades of.***—The city council may cause to be established, from time to time, and as rapidly as the convenience of the inhabitants may require, the grade of all sidewalks in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city recorder.

**SEC. 15. *Right to Order Built—Repaired—Notice to Owner.***—Whenever the city council shall deem it necessary to construct, relay or repair any sidewalk in said city, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge, within a time designated by the city council in a written notice to be served upon said owner if he be a resident of said city, personally, or by leaving a copy thereof at his usual place of abode in said city with some person of suitable age and discretion; and, if the said owner be not a resident of said city, or if the owner of any such lot or lots or parcels of land be unknown, then such notice shall be served by publication thereof in the official paper of [said] city for not less than two (2) successive weeks, every such notice to set forth what work is to be done, and the character thereof, by each owner or occupant. Said written notice shall be signed by the mayor and city recorder.

**SEC. 16. *Sidewalk—How Built when Owner Fails to do so.***—If such work is not done and said sidewalk not built or repaired in the manner and within the time specified, the city council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks. The street commissioner shall keep accurate account of all the work and expenditures, and make a verified and itemized and separate report thereof for each lot

and parcel of land to which the sidewalk so constructed, relaid or repaired adjoins, and within a reasonable time after the said work is completed, file and report with the city recorder. Said expense shall be assessed upon such lots and parcels of land so chargeable, by the city council, in such manner that each lot and parcel shall be charged with the whole expense of the sidewalk adjoining thereto, and said assessment so made shall become a lien upon said lots and parcels of land, as in case of city, county, and state taxes.

SEC. 17. *Statement of Taxes Levied—Transmitted to Auditor.*—If said assessment with interest be not paid to the city recorder on or before the twentieth (20th) day of September in any year, the city council shall cause a statement of the same to be transmitted, with the city taxes levied for that year, to the auditor of the county, on or before the first (1st) day of October in each year, and the said auditor shall insert the same with [the] other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof shall be enforced with and in like manner as city, county and state taxes are collected, and payment thereof enforced.

SEC. 18. *Prescribe Width of Sidewalk—Material.*—The city council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind, dimensions and quality of the material of which they shall be constructed, having regard to the business and [the] amount of travel in the vicinity of each.

SEC. 19. *Expense—What to Include.*—The expense of constructing or repairing sidewalks in said city shall include all stone work, blocks, support, excavation or filling, to make the same upon established grades.

SEC. 20. *If Owner Builds—Subject to Approval.*—All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land in pursuance of notice under this act, or without such notice, shall be subject to the approval of the city council.

SEC. 21. *Sidewalks—How Maintained.*—It is hereby made the duty of all owners of lands adjoining any highway, street, lane or alley in said city to maintain in good order and repair such sidewalks along the side of the street, lane, alley or highway next to and adjoining the land of such owners respectively as may have been heretofore constructed, or as shall hereafter be constructed; but if the said owners fail to do so, then the city council may proceed to repair such sidewalks in the manner hereinbefore set forth.

SEC. 22. *Liability for Insufficient Sidewalks.*—It shall not only be the duty of all the owners of land within said city to keep in good order and repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist along or abutting upon their respective lots or parcels of land, but such owners are hereby declared to be liable for all damages, to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe passable condition; and no action shall be commenced or maintained against the city of Warren by any person injured through or by means of any defect in any sidewalk, unless the owner of the land along which such sidewalk is so defective is joined in said suit as a party defendant; and in case of judgment against the defendant in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution

shall be returned unsatisfied; and if said city shall pay such judgment it shall become the owner of the same and may enforce payment thereof from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to.

SEC. 23. *Liabilities for Obstructions and Excavations in Streets.*—All persons who shall by means of any excavations or any obstruction upon any street or alley of said city, not authorized by law or the ordinances of said city, render such streets or alleys unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages, unless such person or persons shall be joined as party defendant; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until the execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner thereof, and may enforce payment of the same from the other defendant or defendants, and shall be entitled to execution therein, against him or them, and to take such other proceedings as judgment creditors are entitled to take.

SEC. 24. *Service Upon Absent Defendant.*—Whenever any party is joined with said city as codefendant in any action for the insufficiency of any sidewalk, street or alley, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

SEC. 25. *Limitation of Actions.*—No action shall be maintained against the city of Warren on account of any injuries received by means of any defect in the condition of any bridge, street, alley, sidewalk or thoroughfare unless such action shall be commenced within one (1) year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city or the city recorder thereof, within ninety (90) days of the occurrence of such injury or damage, stating the place where, and time when, such injury was received, and the person so injured will claim damage of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be rest of reason. Nor shall any such action be maintained for any defect in any street or alley until the same shall have been graded and open for travel, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built.

SEC. 26. *Assessments Not Set Aside for Irregularity, Etc.*—No assessment in this chapter provided for shall be set aside or held invalid by reason of any informality or irregularity in the proceedings prior to the entry thereof on the tax lists of the auditor of said county as herein required, unless it shall appear that by reason of any such irregularity or informality, an injustice has been done to the parties or party claimed to be aggrieved.

**SEC. 27. *City May Bear Part of the Expenses.***—In any case the city council shall deem that a part of the expenses of doing any work provided for in this chapter should be borne by the city at large, they may by resolution order that a part of the expenses shall be paid out of the city treasury, but no such appropriation amounting to five hundred (500) dollars or more shall be made unless by a four-fifths ( $\frac{4}{5}$ ) vote of all the members of the council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

**SECTION 1. *City of Warren Successor to Village of Warren.***—The city of Warren is hereby declared to be the legal successor of the village of Warren, a municipal corporation heretofore existing under the general laws of this state. All of the property of the said village of Warren shall hereafter belong to and be the property of said city of Warren, and the rights of the creditors of such village of Warren shall not be prejudiced by anything contained herein, but the same are preserved to them and they shall have the same rights and remedies against said city as they would have had against said village of Warren, if this act had not been passed.

**SEC. 2. *This Act not to Affect Prior Instruments, Etc.***—All recognizances, obligations, and all other instruments entered into or executed to the village of Warren before this act goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the said village of Warren, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this act going into operation.

**SEC. 3. *Ordinances of Village to Remain in Force.***—All ordinances in force in the village of Warren at the time this act goes into effect, and not inconsistent herewith, shall remain in full force and effect until altered or repealed by the city council of the city of Warren, and all rights, actions, prosecutions, and all contracts of the village of Warren shall continue the same as if this act had not been passed.

**SEC. 4. *Warren to Pay Its Share of the Bonded Indebtedness of Warrenton.***—The village of Warren being a part of the town of Warrenton, the bonded indebtedness of the town of Warrenton, at the time of this act shall take effect, shall be borne by said village of Warren and the said town of Warrenton in proportion to the value of taxable real property of said village of Warren and the said town of Warrenton respectively, as shown by the last general assessment of said Marshall county for purpose of taxation, and the proportion of such indebtedness belonging to the city of Warren to pay shall be paid to the treasurer of said town of Warrenton on or before the said bonded indebtedness becomes due, with interest to date of payment, to be by him applied on the payment of the said bonded indebtedness.

**SEC. 5. *Warren Authorized to Issue Bonds to Pay Share of Bonded Indebtedness of Warrenton.***—For the purpose of meeting its proportion of the indebtedness of said town of Warrenton, as aforesaid, and of funding its floating debts, the said city of Warren is hereby authorized to issue its bonds, bearing seven (7) per cent interest, and pay-

able in ten (10) years in a sum not exceeding two thousand dollars (\$2,000).

SEC. 6. *Public Act.*—This act is hereby declared to be a public act and may be read in evidence in all the courts within this state without proof.

SEC. 7. *Plats, Papers, Etc., to be Filed in Recorder's Office.*—All papers, files, plats, and other public records to be kept, preserved and filed, unless otherwise provided for in this act, shall be placed on file and preserved in the office of the city recorder; except this shall not apply to plats now on record in the register of deeds office for said county.

SEC. 8. *Laws Not to Affect this Act.*—No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be clearly set forth in such law.

SEC. 9. *Process—How Served Against City.*—When any suit or action shall be commenced against said city, service of process therein shall be made by leaving a copy thereof, by the proper officer, with the mayor or recorder, and it shall be the duty of the mayor or recorder forthwith to inform the city council thereof, and to take such other proceedings as by the ordinances or resolutions of the city council may have been in such case provided.

SEC. 10. *Actions to be in Name of City.*—All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 11. *City Not Liable for Board of Prisoners in State Cases.*—The city of Warren shall not be liable in any case for the jail fees of any person committed to the common jail of Marshall county by any officer of the city or a magistrate of said city for offenses punishable under the general laws of the state.

SEC. 12. *City Property Exempt.*—The public property of said city shall be exempt from seizure or sale on execution and from taxation.

SEC. 13. *Inhabitants not Incompetent as Jurors, Etc.*—No person shall be an incompetent judge, justice of the peace, witness or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

SEC. 14. *City of Warren Separated From Town of Warrenton.*—The city of Warren shall be entirely separated from the said town of Warrenton, whose organization shall, upon the passage of this, cease to exist within the limits of said city of Warren.

SEC. 15. *Prosecutions—How Instituted.*—In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, ordinance or by-law of said city; may be directed to the chief of police or any police officer of said city, or as generally directed under the laws of this state, but may be served by any person authorized by law to serve process in the county of Marshall.

SEC. 16. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved April 3, 1891.

## CHAPTER 45.

[S. F. No. 596.]

AN ACT TO INCORPORATE THE CITY OF LE SUEUR, LE SUEUR COUNTY, MINNESOTA, AND REPEAL THE PRESENT ACTS OF INCORPORATION OF THE BOROUGH OF LE SUEUR.

*Be it enacted by the Legislature of the State of Minnesota:*

## CHAPTER I.

## CREATION OF CORPORATION.—CITY AND WARD BOUNDARIES.

SECTION 1. *Creation of Corporation.*—That all the district of the country contained within the limits and boundaries hereinafter described, shall be a city by the name of the "City of Le Sueur," and the people who now do and hereafter may reside therein shall be a municipal corporation by the name of the "City of Le Sueur," and by that name shall sue and be sued and impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purposes of the corporation may require, or the exigencies of the business may render convenient, within or without the city, and the same shall be free from taxation; shall be capable of contracting and being contracted with, and have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and that the authorities thereof shall have perpetual succession.

SEC. 2. *City Boundaries.*—The boundaries of said city shall be as follows: Sections number one (1) and two (2), lots number one (1) and two (2) in section three (3), lot three (3) in section ten (10), lot one (1) and the east half ( $\frac{1}{2}$ ) and the southwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) and the northeast quarter ( $\frac{1}{4}$ ) of section eleven (11) and the north half ( $\frac{1}{2}$ ) of section twelve (12), all in township number one hundred and eleven (111) north of range twenty-six (26) west, and all that part of township number one hundred and twelve (112) north of range number twenty-six (26) west, as follows, to-wit: Commencing at the southeast corner of said township, thence running north to the Minnesota river, thence in a southerly direction along said river to the south side of said township, thence east to the place of beginning; and the jurisdiction of said city shall extend ten (10) rods across said Minnesota river, and all city ordinances and police regulations of said city for the detection and punishment of crimes and misdemeanors and for the preservation of health, peace and good order of the said city shall have like effect, and be enforced in the same manner, on and over the same as within the aforesaid limits of said city.

SEC. 3. *Change of Wards.*—The common council of said city shall have the power by ordinance to divide the said city into wards and establish and change the boundaries of said wards, or increase the number thereof to not exceeding three (3), as the convenience of the inhabitants may require, such wards containing, as nearly as possible, an equal number of voters.

SEC. 4. *Additional Territory—Police and Sanitary Purposes.*—That all that portion of section number thirty-five (35) lying west of the Minnesota river, all in township one hundred and twelve (112), range twenty-six (26), be, and the same is hereby, attached to the city of Le Sueur and included within the corporate limits thereof for police and sanitary purposes only, and the said city of Le Sueur shall have and possess all police and sanitary powers over the territory above described, which are now possessed by said city under its charter over the incorporate limits of said city.

## CHAPTER II.

### ELECTION OF OFFICERS.

SECTION 1. *Annual City Election.*—There shall be held an annual election for elective officers hereinafter provided on the first (1st) Tuesday of April of each and every year, at such place in said city, or each ward thereof, as the common council shall designate, and shall be conducted in all respects in accordance with the general election laws of the state, except as hereinafter qualified. Ten (10) days' previous notice shall be given by the common council of the time and place of holding such election and the officers to be elected, by posting by the city clerk notice thereof at each place of election in the city and by publishing the same in the official paper of the city. The common council shall, in due time before any election, constitute a full board for each election district, as provided in this act.

SEC. 2. *Special Elections.*—Special elections for any purpose shall be held and conducted in all respects as general or annual elections under this charter, and upon notice of not less than ten (10) days, which notice shall distinctly specify the objects of said election.

SEC. 3. *Elective Officers and Terms of Office.*—The elective officers of said city shall be a mayor, clerk, treasurer, assessor, two (2) justices of the peace, who shall be styled city justices, and two (2) constables, who shall hold their respective offices for two (2) years and until their successors are elected and qualified, and five (5) aldermen whose terms of office shall be three (3) years and until their successors are elected and qualified; *Provided*, that when the city shall hereafter be divided into two (2) or more wards, the city as a whole shall elect no justices of the peace, constable or aldermen, but there shall be elected from each ward one (1) justice of the peace, one (1) constable, and three (3) aldermen. All of said officers shall be residents within and qualified voters of the city and of the ward for which they are elected; *Provided*, that the officers of the present borough shall hold their offices for the full term for which they are elected, and the common council shall so arrange, as soon as possible, whenever the city shall be divided into wards, that each ward elects one (1) alderman each year, except to fill vacancies; and for that purpose shall, previous to the first election next to be held under this charter, and at any subsequent election, in case of filling vacancies, designate for what term, if any, aldermen shall be elected in each ward, in order to arrive at and maintain the desired requirement of electing one (1) alderman each year in each ward; *Provided*, that at the first election under this charter in April, one thousand eight hundred and ninety-one (1891), there shall be

electd from the city two (2) aldermen for a term of three (3) years each, and at the annual election in the year one thousand eight hundred and ninety-two (1892), there shall be elected one (1) alderman for a term of three (3) years, and thereafter, until the said city shall be divided into wards, there shall be elected each year two (2) aldermen, except that every third (3d) year after the year one thousand eight hundred and ninety two (1892) there shall be elected but one (1) alderman.

**SEC. 4. *Commencement of Term of Elective Officers.***—The official term of all officers elected under the provisions of this act shall commence on the second (2d) Tuesday of April in each year.

**SEC. 5. *Vacancies—How Created.***—Any officer removing from the city, or ward, for which he is elected or appointed, or who shall neglect or refuse, for ten (10) days after notice of his election or appointment, to qualify or enter upon the duties of his office, shall be deemed to have vacated the same, and the common council shall declare the office vacant and proceed to fill such vacancy as herein prescribed.

**SEC. 6. *Vacancies—How Filled.***—Whenever a vacancy shall occur in the office of any elective officer in said city, excepting that of mayor, which is hereafter provided for, such vacancy shall be filled by appointment by the common council until the next annual election, and the successor of the person so appointed to fill any vacancy as aforesaid, shall be elected at such election for the unexpired term.

**SEC. 7. *President and Vice President of Council—How Elected.***—At the first meeting of the common council after the annual election in each year, or as soon thereafter as may be, they shall proceed to elect by ballot from their number a president and vice president. The president shall preside over the meetings of the common council in the absence of the mayor, and during the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent, the vice president shall discharge the duties of such president and act in his place; and during the absence of both mayor and president from the city, or their inability from any cause to discharge the duties of their respective offices, the vice president shall, during such absence or inability, exercise all the powers and discharge all the duties of mayor. The president, vice president, or a temporary presiding officer elected by the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor, president and vice president of the common council shall have the right to administer oaths and affirmations.

**SEC. 8. *Vacancy in the Office of Mayor—How Filled.***—In the case of a vacancy in the office of mayor, by death, resignation or otherwise, the president of the common council succeeds to the office of and becomes mayor of the city until the next annual election, and the vacancy caused thereby in the common council shall be filled by that body as herein provided. In the absence from the city of the mayor, president and vice president of the common council, or in case of their inability to discharge the duties of their respective offices, if it should become necessary or proper that either of said officers should discharge a public official duty in said city, the common council shall



meet forthwith and appoint of their own number a president *pro tempore*, who shall become acting mayor and exercise all the powers and duties of the office for the time being.

SEC. 9. *Qualifications of Voters.*—All persons entitled to vote for state or county officers, and who shall have resided in the state for four (4) months immediately preceding the election and ten (10) days in the ward in which they offer to vote and shall be *bona fide* residents of the city at the time of election, shall be entitled to vote for any officer at any election held under this act, and a plurality of votes shall constitute an election.

SEC. 10. *Tie in Elections.*—Whenever two (2) or more candidates for any elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct, of which time and place said candidates shall have notice.

SEC. 11. *Election Districts—Judges of Election—Duties.*—Said city of Le Sueur, or each ward thereof, shall constitute an election district for state and county, as well as for city elections. The elections in said city shall be held and conducted by the aldermen of said city or each ward thereof and one (1) or more electors of said city or ward, to be appointed by the common council, who shall be judges of election, and they shall have power to appoint clerks of such election. In all other respects the elections shall be conducted in the same manner and under the same penalties, judges and clerks of election shall have the same duties and powers and receive the same compensation, and vacancies in the board shall be filled, as required by the laws of this state regarding elections; except that the returns of all elections for city officers shall be made to the city clerk as hereinafter provided, and that no candidate at any such election shall act as judge or clerk of election.

SEC. 12. *Election Returns.*—Whenever any city election shall be closed and the votes cast thereat counted and the result ascertained, the said election board shall make a return thereof, with an abstract of all the votes cast at such election, stating the whole number of votes for each person and each office, or upon any or all propositions, affirmative or negative, of any propositions submitted to the people of said city at such election, and shall, within three (3) days thereafter, deliver or cause to be delivered by one of their number into the hands of the city clerk such abstract and return, and the common council shall meet and canvass such returns, and declare the result as it appears from the same, on or before the Monday next succeeding such election. The city clerk shall then forthwith notify the officer or officers elected of their election by written notice served upon such officers in person or left at the house of their usual abode with some person of suitable age and discretion then resident therein. Certificates of election shall be issued to all elective officers of said city under the direction of and in the manner and form as the common council may prescribe.

SEC. 13. *New Elections—Notice.*—Should there be a failure by the people for any cause to hold any city election at the time or in the manner herein prescribed, or to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days' previous notice of the time and place

being given; *Provided*, that no failure of the city clerk to give the notice of election specified in section one (1) of this chapter shall in any manner invalidate any general election.

**SEC. 14. *Appointive Officers.***—The common council, at their first regular meeting in each year, or at any subsequent meeting, may appoint, to be determined by ballot, a city attorney, city surveyor, city printer, street commissioner, poundmaster, city physician and board of health, a marshal and one (1) or more policemen, and such other officers as may be necessary for the proper management of the affairs of the city or offices created by virtue of this act.

**SEC. 15. *Official Term of Appointive Officers.***—The official term of all officers of the city appointed by virtue of the preceding section shall be for the term of one (1) year, commencing on the third (3d) Tuesday in April in each year and until their successors are appointed and qualified, except as hereinafter differently provided. Warrants of appointment shall be issued to all such appointed officers of said city by the clerk, in such form and manner as may be prescribed by the common council.

### CHAPTER III.

#### POWERS AND DUTIES OF OFFICERS.

**SECTION 1. *Removal from Office.***—Every person elected to any office by the people, or appointed to any office by the mayor or common council, may be removed from said office by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of said officer, of which not less than ten (10) days' notice shall be given him, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; but if said officer neglects to appear and answer the charges against him, after proof of service of charges and notice [to] appear, the common council may declare the office vacant.

**SEC. 2. *Oath and Bond of Office.***—Every person elected or appointed to any office under this act, shall, before he enters upon the duties of such office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the clerk of said city, and the treasurer and clerk, and such other officers as the common council may direct, shall, before entering upon the duties of their respective offices, be required to execute such a bond to the city of Le Sueur as the common council thereof may direct and approve for the faithful performance of the duties of such office, and such bond may be increased and diminished at the pleasure of the common council, and any officer failing to give the required bond at any time may be removed from the said office by the common council.

**SEC. 3. *Powers and Duties of the Mayor.***—The mayor shall, by virtue of his office, be the presiding officer of the common council, and preside over all meetings thereof, and shall take care that the laws of the state and the ordinances of the city are duly observed and en-

forced, and that all other executive officers of the city discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city. He is clothed with power to call upon any male inhabitant of the city, or any bystander over the age of twenty-one (21) years, to aid in the enforcement of the laws and suppression of disturbances, and any person when so directed who shall not obey such call, or render such aid, shall, upon conviction before any of the city justices, or other magistrates having jurisdiction thereof, be fined not less than five dollars (\$5) nor more than fifty dollars (\$50). In case of riot, large public gathering, or other disturbance, or whenever, in his opinion the safety of the city requires it, he shall provide and appoint as many special or temporary policemen or watchmen as he may deem necessary, and any policeman or watchman appointed by the mayor as aforesaid may be discharged by him whenever he sees fit; but such special or temporary appointments shall not continue for more than one (1) week without consent of the common council.

All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto in writing, by depositing the same with the city clerk to be presented to the common council at their next meeting regularly held thereafter, and upon the return of any resolution or ordinance by the mayor, unsigned, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elected, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be recorded by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sunday excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him. All contracts, appropriations and orders drawn on the treasurer shall be signed by the mayor. The mayor may also, if he deems it necessary and proper, at the request of any person, firm, society or organization, appoint police or watchmen who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment; but such limited policemen or watchmen shall not exercise any authority nor display any badge of office outside the limits named in such appointment. The mayor shall, whenever he deems it necessary, with the consent and approval of the common council, from time to time make such regulation for the control of the police force and for enlarging or restricting the powers and duties of the several officers thereof as he may deem proper.

**SEC. 4. City Clerk—Powers and Duties.**—There shall be a clerk of said city, styled the city clerk, who shall keep his office at the place of meeting of the common council, or at such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office,

and transcripts from all records of the common council certified to by him under the corporate seal, shall be evidence in all the courts the same as the originals would be if produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate record and account thereof in the books provided for that purpose. He shall have power to administer oaths and affirmations and take acknowledgments.

It shall be the duty of the clerk to report to the common council the financial condition of the city, whenever the common council shall require it. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually, on or about the first (1st) day in April in each year, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the coming year. He shall receive all moneys payable to the said corporation, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor.

He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and the certificates of work authorized by any committee of the common council, or by any city officer. And every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the clerk. The city clerk shall keep regular books of account in which he shall enter all indebtedness of the city, and shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates, or other evidences of indebtedness issued by the common council; the amount of all bonds, orders, certificates, or other evidence of indebtedness which may have been redeemed, and the amount of each outstanding; countersign all bonds, orders or other evidences of indebtedness of the city, and keep accurate account thereof, stating to whom and for what purpose issued and the amount thereof; keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall keep a list of certificates issued for work, or any other purpose, and before the levy of the common council of any special tax upon the property of the city, or any part thereof, shall report to the common council the schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified by the affidavit of the clerk and shall be *prima facie* evidence of the facts therein stated in all cases where the validity of such special tax or assessment shall come into question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. All claims and demands against the city, before they are allowed, shall be either indorsed by the proper city official or verified by the oath of the claimant, and audited and adjusted by the

clerk. And he shall keep a record of all his acts and doings and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested, and any such contract in which he may be interested shall be null and void. The city clerk shall perform such other and further duties as may be prescribed herein or by any ordinance of said city, and any fees allowed to him by any ordinance may be retained by him in addition to his regular salary.

SEC. 5. *Deputy Clerk—Appointment of.*—The common council shall, whenever it is deemed necessary, have the power to appoint, upon nomination of the clerk, a deputy clerk. Whenever the clerk and deputy clerk are absent, or for any reason unable to act, the common council may appoint a clerk *pro tempore*, and said clerk so appointed, as well as the deputy clerk, when acting as city clerk, shall have the same powers and be subject to the same duties and liabilities as the city clerk, and shall be paid for their services out of the salary of the city clerk; *Provided*, that the city clerk is responsible for all the official transactions of the deputy clerk appointed upon his nomination.

SEC. 6. *City Attorney.*—The city attorney shall be a person admitted to practice law in all courts of this state, and shall be the legal advisor of all officers of said city upon all subjects arising by virtue of this act. He shall attend and prosecute or defend all suits, actions, either civil or criminal, for or on behalf of said city, or in which the city may be a party. He shall, when required, furnish written opinions upon any subject arising by virtue of this act, submitted to him by the common council or any of its committees, attend the public meetings of the common council when so requested, and shall perform all other professional services incident to his office. He may, in his temporary absence or other inability, at his own expense, with the approbation of the mayor, designate some other attorney to act in his stead for the time being.

SEC. 7. *City Treasurer.*—The treasurer shall receive all moneys from the city clerk, receipting to him therefor, including taxes, license moneys, fines and other revenues belonging to the city; keep an accurate and detailed account thereof, in such manner as the common council may direct; shall pay out money only on orders drawn upon him, duly signed by the mayor and attested by the clerk of said city, and make such reports, exhibits, and perform such other duties as may be required by the charter and ordinances of said city.

SEC. 8. *City Justices—Powers and Duties.*—The city justices shall possess all the authority, powers and rights of a justice of the peace of the county, under and by virtue of the laws of the state of Minnesota, and shall have in addition thereto exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace. The said justices shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any ordinance, by-law or regulation of said city of Le Sueur or its charter, or for the breach or violation of any such ordinance,

by-law or regulation, and in all cases of offenses committed against the same. All trials and prosecutions for a breach or violation of any ordinance, by-law or regulation of said city shall be commenced in the name of the city of Le Sueur, and shall be triable in a summary manner before the justices of said city, without a jury, if the said justice shall so elect, and the same proceedings shall be had in criminal and civil suits before said city justices, when not herein otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgments and decisions of said city justices shall be allowed in the same manner as are provided by law for appeals from judgments rendered by justices of the peace of the county, in all cases when appeals may be taken or had under and by virtue of the provisions of this charter. The city justices shall have jurisdiction in cases of larceny, and may hear and try and determine the same when the value of the property alleged to have been stolen does not exceed the sum of twenty dollars (\$20). The said city justices shall have the same power and authority in cases of contempt of court as a court of record. If, on return of the process, or at any time before the trial commences, in any action or proceeding, civil or criminal, either party, his agent or attorney, makes affidavit that the justice before whom the same is pending is a material witness for said defendant, without whose testimony he cannot safely go to trial, or that from prejudice, bias, or other cause he believes said justice will not decide impartially in the matter, or if it is proved that the justice is near of kin to either party, the justice shall transfer said action, and all papers appertaining to the same as provided under the general laws of this state, except when the action is upon a by-law, ordinance or regulation of said city, in which case the transfer shall be to some other city justice of said city, who may thereupon proceed to hear and determine the same in the same manner as the justice before whom the said action was commenced might have done; but no cause or proceeding shall be removed more than once, and no justice shall be required to transfer any civil action, until all his costs in the same are paid. In all cases of conviction of assaults, batteries or affrays within said city, and in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said city justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, in a sum not exceeding five hundred dollars (\$500), or in default of the said security, to imprison the said offender in the county jail for a term of not more than ninety (90) days.

All fines and penalties imposed by the said city justices for offenses committed within the city limits of said city, for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the general revenue of the city.

The said city justices shall also have power in cases under this charter and ordinances of the city, when punishment is by imprisonment, or by imprisonment in default of payment of a fine, to sentence the offender to hard labor in any workhouse established or designated by the city for that purpose, or, in case of male offenders, to sentence them

to labor on the streets, public works or improvements of the city, until such person shall work out the amount of such fine and costs at such a rate per day, not less than one dollar (\$1), as the common council may fix upon, not exceeding ninety (90) days; and may punish and sentence such offenders by imprisonment and to be fed on bread and water, whenever in their discretion it appears just and proper.

The city justices shall have authority, and may commit any person or persons liable to imprisonment under the charter or ordinances of said city, to the county jail of Le Sueur county, and such persons shall be in charge of the sheriff of said county as in other cases, except as otherwise provided herein.

In all actions, prosecutions and proceedings of every kind before either of the city justices, such city justice shall take judicial notice of all ordinances, by-laws and regulations of said city, and it shall be necessary to plead or prove the same in court.

Said city justices shall be in attendance at their offices for transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to, and writs and process shall on request be issued by, them at all times, in court or otherwise.

The said city justices shall, as often as the common council may by rule prescribe, make report to that body of all proceedings instituted before them in which the city is interested, and also account for and pay over to the city clerk all fines and penalties collected by them belonging to the city.

The said city justices shall have power and authority to remit fines imposed by them, and to suspend sentences in any or all criminal prosecutions had before them, in such manner and upon such terms as they in their discretion and judgment shall deem proper and right.

The city justices shall be entitled to receive from the county of Le Sueur, Minnesota, such fees in criminal cases occurring without the city as are allowed to other justices in the county for similar services.

The city justices elected in the city of Le Sueur shall have concurrent jurisdiction within the city, and may hold their offices and hear and conduct all trials, examinations and proceedings cognizable by them at any place within the limits of said city; *Provided*, that for the removal, examination or proceeding from either of the other justices, the city of Le Sueur shall be deemed and considered one election district.

In all actions civil and criminal, before the city justices of the city of Le Sueur, when jury trials may be had, the same proceeding shall be had and entertained regarding the election, drawing and impaneling jurors as are had before justices of the peace in the state of Minnesota under the general laws of said state; and all proceedings relating to jury trials before said city justices shall be governed by and conformable to the general laws of the state of Minnesota, applicable to justice of the peace; *Provided*, such proceedings are not in conflict with, nor repugnant to, any provisions of this charter, or any ordinance, by-law, rule or regulation made in pursuance thereof.

The city justice shall have authority to tax and impose legal costs in all cases when fines and penalties are imposed by them, or when judgments are rendered in their courts, and said costs shall be added to such fines and penalties and judgments, as the case may be, and become a part thereof and be collected therewith.

**SEC. 9. *City Marshal and Police Officers.***—The city marshal shall be chief of police of said city, and perform such duties as shall be prescribed by the common council for the preservation of the public peace and as may be required of him by ordinance, and police officers of said city shall have and possess the powers of constables at common law or by the laws of this state; it shall be their duty to execute and serve all warrants, process, commitments and all writs whatsoever issued by the city justices, or any other justices of peace of the county for any violation of the laws of the state of Minnesota, or the ordinances, by-laws or regulations of said city, and also all writs and process issued by said city justices, or other justices of the peace of said county, in all civil actions, and they shall have authority to pursue and arrest any person fleeing from justice anywhere in the state, and when performing the duty of constables as aforesaid shall be entitled to like fees.

It is the duty of all police officers to see that all ordinances, health and police regulations are duly kept and observed. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or of any violation of the laws of this state, or the ordinances or by-laws of the city; and for these purposes shall have while on duty, the powers of constables at common law while on duty; *Provided*, that no person shall be eligible to appointment as police officer who is not of good health and physique, and a resident and qualified voter of said city.

**SEC. 10. *City Assessor—Qualifications.***—The assessor shall, at the time of his election, be a resident and qualified voter of said city, and shall have and possess all authority, right, power and duties of assessors under the general laws of this state, except as hereinafter provided and qualified.

**SEC. 11. *Assistant Assessor.***—The common council may also, whenever they shall deem it necessary, authorize the said assessor to appoint one or more assistants, who shall have the same qualifications as the assessor, to aid him in said assessment, and whose compensation shall be fixed by the common council, but no appointment of assistants shall be valid or of force until the same is confirmed by a vote of the common council.

**SEC. 12. *Board of Review—Powers and Duties.***—The common council shall constitute the board of review, and shall be sworn according to law as such board, and meet at the council rooms in said city at the time provided by law for the meeting of the town boards of review, and revise, amend and equalize the assessment made by the city assessor. It shall be the duty of the assessor to be present at all meetings of said board, and present to them all facts relating to said assessment. The city clerk shall act as clerk of the board of review. Such board of review is vested with all the powers which are or may be vested in county boards of review, or equalization, under the general laws of this state, but shall not be restricted by any limitation in respect to reducing aggregate sums of real and personal property as returned by the assessor. They shall receive as compensation for their services the sum of two dollars (\$2) per day.

**SEC. 13. *City Surveyor.***—The duties of the city surveyor shall be prescribed by the common council, and said officer shall be a practical surveyor and engineer. He shall file with the city clerk all surveys, plats, plans and estimates made by him for the city, and they shall be



the property of the said city and open to the inspection of all parties interested.

SEC. 14. *Street Commissioner.*—The street commissioner shall, under the direction of the common council, or committee thereof, carry into effect all orders and ordinances of the common council, or orders of the street committee of said body in relation to work or improvements on the streets, roads, sidewalks, alleys, bridges and public grounds, and it shall be his duty, upon direction by the council, to see that the same, when graded and open for travel, are kept clear and free from obstruction, and in such repairs as to be in good, passable condition, and shall perform such other services as are hereinafter prescribed, and account for all moneys collected or property received or under his control belonging to the city. No street commissioner shall be interested in any contract for any work to be done under his charge. In the collection of the corporation or poll tax the street commissioners shall have the powers that are possessed by road overseers under the General Laws of this state.

SEC. 15. *Road Districts—How Created.*—The common council may divide said city into two (2) or more road districts, and then that body may appoint a sufficient number of street commissioners who shall have the same powers and duties as are prescribed in the preceding section.

SEC. 16. *Official Paper—How Designated.*—The common council shall, at their first regular meeting after the annual election in each year, or as soon after as may be, designate one (1) newspaper, printed and published in said city, as the official paper of the city, in which shall be published all ordinances and other proceedings and matter required by this act or the by-laws or ordinances of the common council to be published in a public newspaper; *Provided*, the common council shall advertise for proposals to do the city printing, giving public notice in such manner as the common council may direct that sealed bids shall be received by the city clerk for doing said printing. The bid or bids received by the city clerk for doing said printing shall be publicly opened by said clerk at such time and place as the common council shall direct, and the common council may accept the lowest responsible bid received, or reject any and all bids; *Provided further*, that the common council may order the publication of ordinances, advertisements, proceedings, or such resolutions as may be of general importance, in such other newspapers as they may direct. The printer of the paper so designated shall be styled the city printer.

SEC. 17. *Duties of City Printer.*—The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of their printer or foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such matter, and no account of the publication of such notice, ordinance, resolution or other matter shall be allowed or paid by the common council until such proof of publication has been made and filed.

SEC. 18. *Poundmaster.*—The poundmaster shall have the same authority as police officers in enforcing the ordinances of said city against cattle or other animals running at large, and for impounding the same.

**SEC. 19. *City Physician.***—The common council may appoint a city physician, of regular practice and good standing in his profession and a graduate of some college of medicine. He shall attend and furnish medicine to all the poor of the city, as may be required of him by the common council. He shall, by virtue of his office, be president and executive officer of any board of health established by said city, unless the common council of said city shall make other provisions for the appointment of an executive officer and president of said board of health, and perform all duties required of him by any ordinance of said city. It shall be his duty, if president of said board of health, to make regular inspection of said city as to matters affecting the health of its citizens, and make reports to the state board of health of such facts as may be required by said board. He shall receive such compensation as the services rendered by him are reasonably worth, to be determined by the common council.

**SEC. 20. *Board of Health.***—The common council shall appoint a board of health for the city of Le Sueur consisting of three (3) members, including the city physician, if there be a city physician appointed. The health officer (the city physician if there be one appointed), shall be appointed at the first (1st) meeting of the common council in each year, or as soon thereafter as may be. The two (2) other members shall be appointed at the first meeting of the common council after the next city election, or as soon thereafter as may be, one of whom shall hold his office for one (1) year, and one of whom shall hold his office for the term of two (2) years, to be determined by the common council; and annually thereafter one (1) member, besides the health officer, shall be appointed for a term of two (2) years to succeed the member whose term is about to expire. All of which officers shall hold their respective offices until their successors are appointed and qualified.

The said board of health shall have the same authority as police officers in enforcing the ordinances of said city and the general laws of the state of Minnesota, for the security of the public health.

**SEC. 21. *Officers to Make Return of Property.***—All officers of the city having charge of any city property shall, at the close of each fiscal year, and at other times when required by the common council, make and return to the common council a complete inventory of all public property in their hands or under their control respectively. Such inventories shall be preserved and filed by the city clerk and kept open to inspection of all parties interested, but need not be printed in the proceedings unless so ordered by the common council.

**SEC. 22. *Officers to Turn Over Property.***—Any person having been an officer of said city shall, within three (3) days after notification and demand, deliver to his successor in office or other duly authorized person or persons, all property, papers and effects of every description in his possession belonging to said city or pertaining to his office, and if he fails to do so he shall forfeit and pay to the use of said city a sum not exceeding five hundred dollars (\$500), to be recovered in a civil action, besides all damages caused by his neglect or refusal to so deliver, and his successor may receive and recover the possession of such books, papers, property and effects, or the value thereof in case recovery cannot be had, in the manner prescribed by the laws of this state.

**SEC. 23. *Other Duties of Officers Required—Other Officer Appointed.***—The common council has the power at any time to require and define other duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to create such other offices and appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their powers and duties and fix their compensation, unless otherwise herein provided.

**SEC. 24. *Salaries of City Officers—By Whom Fixed.***—The common council shall have the power and is required to fix the compensation or salary of all officers elected or appointed under this act; *Provided*, that the mayor may receive a salary of not exceeding one hundred dollars (\$100) per annum, and each alderman may receive a salary not exceeding two dollars (\$2) for each meeting he attends, not exceeding twenty-five (25) meetings in any one year, but the common council may, by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen elected, allow additional compensation for any extraordinary service performed by any officer or any of its committees. All salaries or compensations shall be fixed by resolution at the commencement of the official year, or as soon after election or appointment as practicable, and when so fixed shall not be increased or diminished during the term for which said officer shall have been elected or appointed.

**SEC. 25. *Exemption from Jury Duties.***—All officers of the city, while holding such office, shall be exempt from serving as jurors in any court.

**SEC. 26. *City Officers Not to be Interested in City Contracts.***—No alderman or other officer of said city shall be a party to or interested in any job or contract with the city, or to which the city is a party, and any contract with the city, or to which the city is a party, and in which any alderman or other city is interested, shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the other parties to said contract, and the alderman or aldermen or other city officer or officers so interested in said contract.

**SEC. 27. *Officers of the Peace.***—The mayor, acting mayor and each alderman, chief of police, the sheriff of Le Sueur county or any of his deputies, the city justices and police officers and watchmen, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purpose may command the assistance of all male bystanders and citizens, and if any citizen or bystander so commanded shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not less than ten dollars (\$10), or more than fifty dollars (\$50), and shall be imprisoned in the common jail of Le Sueur county till such fine and the costs of prosecution, not to exceed one hundred dollars (\$100) in all, are paid, but the term of such imprisonment shall not exceed ninety (90) days; and in cases where civil authorities may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order named, shall direct the proceedings.

## CHAPTER IV.

## THE COMMON COUNCIL — GENERAL POWERS AND DUTIES.

**SECTION 1. *Common Council — Quorum — Style of Ordinances.***—The aldermen shall constitute the common council of the city of Le Sueur, and a majority thereof shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. The borough councilmen of the borough of Le Sueur shall be and remain aldermen of the city of Le Sueur during the remainder of their terms of office. The style of all ordinances shall be, "The Common Council of the City of Le Sueur ordains."

**SEC. 2. *Regular and Special Meetings of the Council.***—The common council shall hold regular or stated meetings at such time and places as they by resolutions may direct. The first regular meeting after the annual election shall be held on the third (3d) Monday of April in each and every year. The mayor or, in case of his refusal or neglect, any two aldermen may call special meetings by notice to each of the members, to be delivered personally or left at the house of their usual abode with some person of suitable age and discretion then resident therein.

**SEC. 3. *Common Council — Judges of the Election of its Members — Rules of Procedure.***—The common council shall be the judges of the election return and qualification of its own members, and in such cases shall have power to send for and compel the attendance of persons and papers. It shall determine the rules of its own proceedings, punish its own members for disorderly conduct, and with a concurrence of two-thirds ( $\frac{2}{3}$ ) of all the members elected, expel a member after due notice given and opportunity extended to the accused to be heard by council, or otherwise, and shall have power to compel the attendance of absent members and may provide for the punishment of such members absent. Continued absence from the meetings of the council for three (3) months shall be deemed good cause for removal, unless a satisfactory excuse therefor can be given.

**SEC. 4. *Record of Proceedings.***—The common council shall keep a journal or record of its proceedings, and ayes and noes, when demanded by any member present, shall be entered on the journal.

**SEC. 5. *Control of Finances and Property — Power to Enact Ordinances.***—The common council shall have the control and management of the finances and of all of the property of the city, and shall likewise, in addition to the power herein invested in them, have full power and authority to make, enact, ordain, establish, enforce, order, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government, good order and cleanliness of the city, the protection of its property, the suppression of vice and intemperance, the benefit of trade and commerce, and for the prevention of crime as they shall deem expedient; they shall have power to establish and maintain a city prison, workhouse and watchhouses, and make all needful rules and regulations therefor; for the imprisonment, custody and safe keeping of all persons arrested for or charged with the commission of any offense whatever. The common council shall have the exclusive right to exercise all the legislative powers granted by this act to the said city and corporation, and has full power and authority

to declare and enforce penalties and punishments [and enforce] the same against any person or persons who may violate any ordinance, by-law, rule or regulation passed or ordained by them, and all such ordinances, by-laws, rules and regulations are hereby declared to be and to have the force and effect of laws, provided they be not repugnant to the constitution of the United States of America or the constitution of this state; and for these purposes they shall have authority by ordinance, by-law, rule or regulation or resolution:

*First*—To regulate and license exhibitions of common showmen and shows of all kinds, circuses, the exhibition of caravans, concerts and theatrical performances; also to license and regulate all auctioneers, hawkers, peddlers, public halls and other buildings, inclosures for public resort and amusement, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloon, taverns and saloons, and all persons vending and dealing in or disposing of spirituous, vinous, malt or fermented liquors, and to provide for and enforce such restrictions or prohibitions thereof as they deem proper. *Provided*, that the common council shall not issue any licenses for the sale of spirituous, vinous, malt or fermented liquors for any sum less than the sum fixed under the provisions of any general law of this state.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to authorize the seizure of all instruments of devices used for the purpose of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers, inmates or frequenters thereof.

*Fourth*—To compel the owner or occupant of any cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to fence, remove or abate the same from time to time, and as often as may be necessary for the health, comfort or convenience of the inhabitants of the city.

*Fifth*—To regulate or prohibit the slaughtering of animals within said city; to direct to location and management of slaughter houses and markets, breweries, distilleries, and to establish rates for and license venders of gunpowder or other explosive substance or material.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes or other public grounds with carriages, carts, wagons, sleighs, lumber, boxes, firewood, posts, awnings, or other material or substance whatever.

*Seventh*—To prevent and punish horse racing, immoderate riding or driving on the streets; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the street, and to regulate places for swimming and bathing in the waters within the limits of said city.

*Eighth*—To restrain the running at large of horses, cattle, mules, swine, sheep, poultry, geese, or other animals, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for a violation of the ordinances; *Provided*, that

when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of the distraining, keeping and sale of such animals, shall be deposited in the office of the treasurer of said city for the use and benefit of the owners of said animals if called for by said owners within one (1) year from the day of sale; otherwise the same shall belong to the city.

*Ninth*—To prevent the running at large of dogs and may impose a tax or license on the same, impose fines upon the owners or keepers and authorize the destruction or killing of dogs when at large contrary to the ordinances.

*Tenth*—To prevent all persons riding or driving any horse, mule, ox or other animal on the sidewalks or other public grounds or property of said city, except the streets thereof, or in any way doing any damage to said sidewalks, grounds or property.

*Eleventh*—To establish and regulate boards of health; provide hospitals and hospital grounds; the registration of births and deaths and the return of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery, to improve and ornament the same and to make all regulations necessary for the care, protection, and government thereof.

*Twelfth*—To prevent the discharging of firearms, of fire crackers, and to prevent the exhibition of any fireworks in any situation or location which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the inspection of flour, pork, beef, salt, fish, whisky and other liquors and provisions, and to appoint inspectors, measurers, weighers, gaugers, and to regulate their duties and compensation.

*Fourteenth*—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Fifteenth*—To prevent open and notorious drunkenness, drinking, brawling and obscenity in the streets, alleys, stores, saloons and public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth*—To direct, regulate and prohibit in all parts of the city the planting and preservation of shade trees or ornamental trees in streets, alleys, highways and public grounds of the city, and to provide for the punishment of any violation of the ordinances relating thereto.

*Seventeenth*—To regulate a place and manner of selling hay, straw and other articles of feed, and the measuring, weighing and selling of firewood and other fuel, and to appoint suitable persons to superintend and conduct the same; to provide for a standard of weights and measures; for the appointment of a city sealer; to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

*Eighteenth*—To provide for and prescribe, regulate, or prohibit the erection of hitching posts or rings for fastening horses or other animals, or prohibit the same in any portion of the city, in its discretion.

*Nineteenth*—To define and declare what shall constitute a nuisance, and to enact ordinances to prevent the same and punish violations

thereof, and to remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twentieth*—To remove or abate any nuisance, obstruction or encroachments upon the streets, alleys, public grounds and highways of the city.

*Twenty-first*—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city.

*Twenty-second*—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises, or elsewhere, any such substance, or any putrid or unsound meat, flesh, fish, hides or skins of any kind; to provide for the punishment for any violation of the same, and to authorize the removal of the same at the expense of the owners or person responsible for the existence of the same as a nuisance.

*Twenty-third*—To establish public grounds, pumps, wells, cisterns, reservoirs and hydrants; to provide for and control water works and the supply of water to the inhabitants of the city, and to regulate water rates; to create, alter and extend water districts; to provide for lighting the city; to create, alter and extend lamp districts; to control the creation of gas works or other works for lighting the city, public grounds and public buildings.

*Twenty-fourth*—To regulate and license omnibuses, hacks, drays, carts, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to prescribe standing places in the streets therefor, and to authorize the mayor or chief of police to regulate and direct the location of vehicles in the streets or alleys of said city.

*Twenty-fifth*—To compel the owners or occupants of buildings or grounds to remove dirt, snow or rubbish from the sidewalk, street or alley adjacent or opposite thereto, and to compel such occupant or owner to remove from the lot owned or occupied by him, all such substances as the board of health may direct to be removed, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Also to compel the owners or occupants of low grounds where water is liable to collect and become stagnant, to fill or drain such low places, and in their default, to authorize their filling or draining and assess the cost thereof against such property.

*Twenty-sixth*—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

*Twenty-seventh*—To regulate the time, manner and place of holding public auctions or vendues and sales at public outcry.

*Twenty-eighth*—To restrain and regulate parties, processions, runners, porters, agents and solicitors for boats, vessels, stages, cars, public houses and other establishments.

*Twenty-ninth*—To establish public markets and other public buildings; make rules and regulations for the government of the same, and to restrain all persons from interrupting or interfering with the due

observance of such rules and regulations, and to appoint suitable officers for overseeing, caring for, and protecting the same.

*Thirtieth*—To prevent, regulate and control the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as shall be deemed proper to preserve the health of the city, and also to regulate, control and prevent the landing of paupers and persons in destitute conditions into the city not having a legal settlement or residence therein, and to require that such persons be taken back to the place from whence they may have been brought by the persons bringing them to or leaving them in said city.

*Thirty-first*—To provide for, create and establish the police of said city; to prescribe the number of police officers and their duties, and to regulate the same; and to provide for watchmen, designate their numbers and duties, and regulate the same.

*Thirty-second*—To regulate and prohibit the carrying or wearing by any person, of concealed or dangerous or deadly weapons, and to provide for the seizure thereof.

*Thirty-third*—To control and regulate the cutting of ice in the Minnesota river within, or along the boundary line of the limits of said city.

*Thirty-fourth*—To regulate the speed and movement of railroad locomotives and cars, and to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railroad tracks over such streets and highways as the common council may deem necessary; to prevent any railroad company from obstructing the streets or crossings in said city for a time exceeding five (5) minutes, accidents excepted, and any conductor or engineer of any railway train, car or locomotive, who shall obstruct any street crossing in said city for a time exceeding five (5) minutes, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars (\$10), nor more than one hundred dollars (\$100), including costs, or be imprisoned until such fine and costs are paid, not exceeding ninety (90) days.

*Thirty-fifth*—To compel railroad companies to grade their crossings of the streets, alleys and highways in the city to the full width of said streets, alleys and highways, and the full width of the right of way of said railroad, where the railroads cross the same in said city, and to keep the same in repair, and to build and maintain suitable walks across the rights of way in said streets, alleys and highways, for the accommodation of foot passengers, and to build and maintain bridges, culverts, drains and sewers across the full width of their right of way in the streets, alleys and highways in said city, when and where the same shall be deemed necessary by the common council of said city.

*Thirty-sixth*—To name, change and regulate the names of the streets, avenues and highways in said city, and to regulate the numbering of houses and lots, and compel the owners of houses and other buildings to have the numbers of said houses designated thereon.

*Thirty-seventh*—Said city shall have power to establish and maintain one (1) or more ferries, pontoon or other bridges across the Minnesota river, at such points as the common council may determine, and to construct and keep in repair the roads leading to the same, and the common council may establish and collect such reasonable tolls for crossing said ferries and bridges as they may deem expedient.



*Thirty-eighth*—To levy and collect taxes; to provide suitable buildings or offices for all purposes of the city; appropriate money and provide for the expenses of the city government, and to provide for taking an enumeration of the inhabitants of the city from time to time.

*Thirty-ninth*—To establish, lay out, alter, open, widen, extend, vacate, grade, repair, pave, lighten or otherwise improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also, to regulate the width, material, construction and surface line of sidewalks; to prescribe different widths in different localities, and to prevent damage thereto.

*Fortieth*—To establish and record with the city clerk, grades of streets, alleys, highways and walks to which buildings and other structures shall conform, and to provide for the inclosing, improving, adorning and regulating all the public grounds and public buildings belonging to the city.

*Forty-first*—To regulate and control or prohibit the placing of poles and the suspending thereon or stringing of telegraph, telephone, electric light or other wires along or across any of the streets, alleys or highways of said city, and may order the same put under ground in the streets or highways of said city, and enforce said order.

*Forty-second*—The common council may lay gas or other pipes in any or all of the streets, alleys, highways and public grounds of the city, and for the purpose of lighting such streets, parts of streets, public buildings and places, as the common council shall deem proper for the convenience or safety of the inhabitants, and also for supplying the city with water.

*Forty-third*—To prescribe limits in which neither wood, lumber, lath, shingle, hay or other combustible materials can be piled or stored, or lumber yards established or maintained.

*Forty-fourth*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-fifth*—To direct the location, regulate and prescribe the construction of privies; to require and provide for the removal and disposition in such manner as they may direct, with private parties or otherwise, throughout the city or in districts thereof, of any or all swill, offal, garbage, barnyard litter, night soil, manure, yard cleanings, dead animals or other foul or unhealthy stuff, with authority to assess, levy upon and compel the payment of the expense of such removal upon the property of owner thereof from which such above named matter or thing shall be taken.

*Forty-sixth*—To provide for requiring owners of buildings or other structures which shall have been damaged by fire or otherwise, or which by reason of dilapidation, defects in structure, or other causes, may have become dangerous to life or property, or unsightly, or of such nature or appearance that the common council deem it proper that they should be removed, or liable to cause accidents, to take the same, or any part thereof, down, or remove the same, and in case of refusal or neglect of said owner to take down or remove the same when ordered by the common council to do so, then to cause the same to be done at the expense of the owner, the cost thereof again to be raised by special assessments on the land on which the same stands.

**SEC. 6. *Punishment for a Breach of Ordinances.***—Fines, penalties and punishments imposed by the common council for a breach of violation of any ordinance, by-law, or regulation of the city, may extend to a fine of not exceeding one hundred (100) dollars, or imprisonment not exceeding ninety (90) days, and in addition thereto the convicted offender may be sentenced to be fed on bread and water in the discretion of the court, and offenders against any of the ordinances, by-laws or regulations of said city may be required to give security for their good behavior and to keep the peace for not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500), or be imprisoned for not exceeding ninety (90) days in default thereof.

**SEC. 7. *Offenders May Be Put to Labor.***—The common council may also provide, by ordinance, that anyone convicted before a city justice of a crime subjecting the offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, or in case of a male offender, may be kept at hard labor during the term of his imprisonment in such workhouse, or upon the streets, highways or public works or improvements of said city, and may also provide, by ordinance, that anyone convicted of an offense before a city justice and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in said workhouse or upon the streets, highways or public works or improvements of said city, until such person shall work out the amount of such fine at such rate of compensation as the common council may prescribe, not less than one dollar (\$1) per day for a time not exceeding said commitment, and the common council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent their escape and to secure proper discipline; *Provided*, that until otherwise ordered by the common council, that the county jail of the county of Le Sueur shall be used as a city prison or workhouse of said city, and it shall be the duty of the sheriff or jailer of said county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law, and when said jail is so used the prisoners of the city are to be as present in the custody of the sheriff of Le Sueur county, except while working on the improvements of the city as aforesaid, when they shall be under the control of the police force of said city; *Provided further*, that the police of said city are authorized to take any person from said jail who has been sentenced to work upon any of the public improvements of said city, for the purpose of carrying said sentence into effect.

**SEC. 8. *Abatement of Nuisances not Prevented.***—The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in courts according to law.

**SEC. 9. *Revocation of Licenses.***—The common council shall have the power at any time to revoke and cancel for good cause shown, any license issued under this act, or by virtue of any ordinance of said city; *Provided*, that no license shall be revoked or canceled until the person holding the same shall have been notified in writing to appear before the common council at a time and place stated in said notice, and show cause why said license should not be revoked and canceled.

*Thirty-eighth*—To levy and collect taxes; to provide suitable buildings or offices for all purposes of the city; appropriate money and provide for the expenses of the city government, and to provide for taking an enumeration of the inhabitants of the city from time to time.

*Thirty-ninth*—To establish, lay out, alter, open, widen, extend, vacate, grade, repair, pave, lighten or otherwise improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also, to regulate the width, material, construction and surface line of sidewalks; to prescribe different widths in different localities, and to prevent damage thereto.

*Fortieth*—To establish and record with the city clerk, grades of streets, alleys, highways and walks to which buildings and other structures shall conform, and to provide for the inclosing, improving, adorning and regulating all the public grounds and public buildings belonging to the city.

*Forty-first*—To regulate and control or prohibit the placing of poles and the suspending thereon or stringing of telegraph, telephone, electric light or other wires along or across any of the streets, alleys or highways of said city, and may order the same put under ground in the streets or highways of said city, and enforce said order.

*Forty-second*—The common council may lay gas or other pipes in any or all of the streets, alleys, highways and public grounds of the city, and for the purpose of lighting such streets, parts of streets, public buildings and places, as the common council shall deem proper for the convenience or safety of the inhabitants, and also for supplying the city with water.

*Forty-third*—To prescribe limits in which neither wood, lumber, lath, shingle, hay or other combustible materials can be piled or stored, or lumber yards established or maintained.

*Forty-fourth*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-fifth*—To direct the location, regulate and prescribe the construction of privies; to require and provide for the removal and disposition in such manner as they may direct, with private parties or otherwise, throughout the city or in districts thereof, of any or all swill, offal, garbage, barnyard litter, night soil, manure, yard cleanings, dead animals or other foul or unhealthy stuff, with authority to assess, levy upon and compel the payment of the expense of such removal upon the property of owner thereof from which such above named matter or thing shall be taken.

*Forty-sixth*—To provide for requiring owners of buildings or other structures which shall have been damaged by fire or otherwise, or which by reason of dilapidation, defects in structure, or other causes, may have become dangerous to life or property, or unsightly, or of such nature or appearance that the common council deem it proper that they should be removed, or liable to cause accidents, to take the same, or any part thereof, down, or remove the same, and in case of refusal or neglect of said owner to take down or remove the same when ordered by the common council to do so, then to cause the same to be done at the expense of the owner, the cost thereof again to be raised by special assessments on the land on which the same stands.

**SEC. 6. *Punishment for a Breach of Ordinances.***—Fines, penalties and punishments imposed by the common council for a breach of violation of any ordinance, by-law, or regulation of the city, may extend to a fine of not exceeding one hundred (100) dollars, or imprisonment not exceeding ninety (90) days, and in addition thereto the convicted offender may be sentenced to be fed on bread and water in the discretion of the court, and offenders against any of the ordinances, by-laws or regulations of said city may be required to give security for their good behavior and to keep the peace for not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500), or be imprisoned for not exceeding ninety (90) days in default thereof.

**SEC. 7. *Offenders May Be Put to Labor.***—The common council may also provide, by ordinance, that anyone convicted before a city justice of a crime subjecting the offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, or in case of a male offender, may be kept at hard labor during the term of his imprisonment in such workhouse, or upon the streets, highways or public works or improvements of said city, and may also provide, by ordinance, that anyone convicted of an offense before a city justice and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in said workhouse or upon the streets, highways or public works or improvements of said city, until such person shall work out the amount of such fine at such rate of compensation as the common council may prescribe, not less than one dollar (\$1) per day for a time not exceeding said commitment, and the common council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent their escape and to secure proper discipline; *Provided*, that until otherwise ordered by the common council, that the county jail of the county of Le Sueur shall be used as a city prison or workhouse of said city, and it shall be the duty of the sheriff or jailer of said county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law, and when said jail is so used the prisoners of the city are to be as present in the custody of the sheriff of Le Sueur county, except while working on the improvements of the city as aforesaid, when they shall be under the control of the police force of said city; *Provided further*, that the police of said city are authorized to take any person from said jail who has been sentenced to work upon any of the public improvements of said city, for the purpose of carrying said sentence into effect.

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**SEC. 9. *Revocation of Licenses.***—The common council shall have the power at any time to revoke and cancel for good cause shown, any license issued under this act, or by virtue of any ordinance of said city; *Provided*, that no license shall be revoked or canceled until the person holding the same shall have been notified in writing to appear before the common council at a time and place stated in said notice, and show cause why said license should not be revoked and canceled.

Such notice shall be made and given by the city clerk under the direction of the common council and shall contain a statement of the charges upon which the cancellation is asked for, and be served as a summons in district court upon such licensee at least five (5) days previous to said hearing.

SEC. 10. *Ordinances—How Passed and Published.*—All ordinances, by-laws and regulations of the common council shall be passed by an affirmative vote of a majority of all the members of the common council elected, by ayes and noes, which shall be entered in the record, approved by the mayor, and published in the official paper of the city for two (2) successive weeks before they shall take effect. No ordinance shall be passed at the same meeting at which it shall be proposed or presented, but this shall not preclude the passage of any ordinance reported by any committee of the common council, to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 11. *Record of Ordinances.*—All ordinances, after the same are approved, shall be recorded by the city clerk in a separate book provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication, or a certified copy thereof, shall at all times be deemed and taken as sufficient evidence of such publication and proof of the authenticity and validity and binding force of said ordinance.

SEC. 12. *Ordinances, Etc. — How Authenticated.*—That all books and pamphlets published, or which may be published purporting on their title page to be published by the authority or direction of the common council, and purporting to contain the charter and ordinances of said city, standing rules, orders or resolutions of the common council, or either thereof, are hereby declared to be competent and *prima facie* evidence of the contents thereof, and of the regularity of all proceedings relating to the adoption, approval and publication thereof, and shall be admitted as evidence in any court of this state without further proof; and the certificate by the city clerk that any printed or written slip of paper to which said certificate may be attached, contains or is a true copy of any ordinance, resolution or proceeding of the common council, or other paper, the original of which is presumably in possession of the city clerk, shall constitute the said written or printed slip of paper competent and *prima facie* evidence of the contents and purport of said ordinance, resolution or proceeding of the common council, or other paper, and of the legal passage, adoption, approval and publication thereof.

SEC. 14. *Purchase and Condemnation of Property.*—The common council shall have the power upon first being thereunto authorized by a vote of a majority of the qualified voters of said city present and voting at an election held for that purpose, to acquire, by purchase, lease, donation, grant or condemnation, such private property as may be necessary for sites for public buildings, or grounds for the use of the city, and all other necessary purposes thereof in a manner as herein provided, and may, by a two-thirds ( $\frac{2}{3}$ ) vote of all the members thereof, sell and convey such real estate as the city may own, upon being thereunto authorized by popular vote as aforesaid, said real estate not being needed for municipal purposes.

**SEC. 15. *Adjustment of Accounts of City Officers.***—The common council shall examine and adjust the accounts of the city officers and agents of the city, at such times as they may deem proper, and may require such officers or agents, whenever they deem it necessary, to exhibit to them all their books and papers belonging to their respective offices, and if such officer or agent shall refuse to comply with the order of said common council in discharge of their duties in pursuance of this section, the common council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts, or in discharge of official duties. The common council shall make full records of all such settlements and adjustments.

**SEC. 16. *Plats of Subdivisions of Tracts of Lands.***—Whenever any person shall subdivide any lot or piece of ground within said city, he shall cause the same to be surveyed and platted, in accordance with the provisions of the general laws of this state relating to the town plats, and when survey and plat are so completed and acknowledged, it shall be presented to the common council; and said common council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall be deemed expedient. When any plat is accepted by the common council, the city clerk shall so certify upon the face of such plat with the corporate seal, when it may be recorded in the same manner and with the same effect as provided for by general law.

## CHAPTER V.

### TAXES AND FINANCES.

**SECTION 1. *Revenues of the City.***—All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the purpose of the city government, and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of the state, except as hereinafter expressly otherwise provided; *Provided*, that nothing herein contained shall be construed as limiting the levying and collection of special assessments as provided for in this act.

**SEC. 2. *Levy of Tax for Current Expenses.***—The common council shall have power annually to levy taxes upon all taxable property in said city, to defray the current expenses thereof, and to pay interest and principal of the outstanding indebtedness of the city, but such assessment and levy shall not exceed ten (10) mills upon the dollar of the assessed valuation of such property.

**SEC. 3. *Levy on Tax for Improvements.***—The common council shall have power to levy a special tax upon all taxable property within said city for the purpose of constructing and maintaining bridges, culverts, grading and improvements of streets, alleys and highways, including the building and repairing of sidewalks, crosswalks and sewers, and for all other necessary and proper purposes of the city and conducive to good order and cleanliness, and the protection against crime, disease and fire; *Provided*, that such taxes shall in no year ex-

ceed five (5) mills upon the dollar of the assessed valuation; *Provided further*, that for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or property benefited by such improvements, to such extent as the common council may think just and equitable, and in such manner as herein provided.

SEC. 4. *Special Assessments—Authority to Levy.*—The municipal corporation of the city of Le Sueur is herein authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon property to be benefited by such improvements, without regard to cash valuation, and notwithstanding that the same may have been heretofore exempt from taxation under the laws of this state.

SEC. 5. *Purposes for which Made.*—That assessments may be made by the city of Le Sueur for filling, grading, leveling, paving, sprinkling, curbing, walling, macadamizing, planking, constructing bridges, or otherwise improving any street, lane, alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane, alley, highway or public ground, or procuring grounds for any public buildings, and for planting shade trees upon or otherwise ornamenting the same; also, filling, grading, ornamenting or otherwise improving any public square, park or grounds now or hereafter to be laid out; also for constructing, laying, relaying, erecting, cleaning and repairing cross and sidewalks, area walls, gutters, sewers, private drains; for the establishment and extension of water works and the abatement of any and all public nuisance within said city, and this section shall apply to all cases of appropriation of all private property for public use, except as in this act otherwise provided.

The cost of any improvements mentioned in this section shall be defrayed, save as herein otherwise provided, by a special assessment upon the property fronting upon such improvements, or upon such property to be benefited by such improvements, to be levied in a manner hereafter described; *Provided*, that all crosswalks and sidewalks adjacent to public grounds, other than streets, lanes or alleys, shall be constructed at the expense of the city at large; *Provided, also*, that upon a vote of two-thirds ( $\frac{2}{3}$ ) of the aldermen elect, any improvement mentioned in this section may be made by the city at large, without special assessment. *Provided, also*, that the repairing of any street, alley, highway, public grounds, bridge, sewer, drain, or the making of any other improvement, the cost of which is estimated not to exceed the sum of one hundred dollars (\$100), may be done by the common council of said city without special assessments thereof.

SEC. 6. *Poll Tax—Levy and Collection.*—Every male inhabitant of said city between the ages of twenty-one (21) and fifty (50) years, excepting such as are exempt by law, who may reside within the limits of said city at any time between the first (1st) day of May and the first (1st) day of November of each year, and has not worked out or paid poll tax in any other place, shall be liable to capitation or poll tax, and it shall be lawful for the common council at any time to levy the same, but such poll tax shall not in any one year exceed two (2) days' work for each person liable therefor, which may be commuted by any person so taxed by payment to the street commissioner of the sum of one dollar and fifty cents (\$1.50) per day, and the street com-

missioner shall expend all money so received on the streets, alleys, highways, under the direction of the common council. The laws of this state shall apply to warning, working, suing for and enforcing the collection of such poll tax, except as herein otherwise expressly provided.

**SEC. 7. Money—How Paid Out.**—No moneys shall be paid out of the city treasury unless such payment is authorized by a vote of the common council, and shall be drawn only upon orders drawn by the mayor and countersigned by the city clerk, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person, or to the bearer, as the common council may determine, and may be transferred by indorsement.

**SEC. 8. Bonds—How Voted on and Issued.**—The common council shall have power and authority to borrow money, issue bonds, and levy taxes, for the purpose of carrying out any of the provisions of this act; *Provided*, the same be authorized by a majority of the qualified voters present and voting at a general or special election held for that purpose, of which notice shall have been given as at other elections. Whenever it shall be desired to submit to a vote, the question of issuing of any bonds authorized by this section, the same may be done in such form and manner as the common council by resolution may prescribe.

**SEC. 9. Bonds—Objects and How Issued.**—All bonds issued in pursuance of the provisions of this act shall be under the corporate seal of said city, signed by the mayor and attested by the city clerk, and shall upon the face express the object for which they were given, and shall not be negotiated for less than par value.

**SEC. 10. Taxes—How Levied.**—All taxes shall be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall go into the general fund of the city.

**SEC. 11. Statement of Taxes Levied to County Auditor.**—The common council shall cause to be transmitted to the county auditor of Le Sueur county, on or before the first (1st) day of October of each year, a statement of all the taxes by them levied, and also special assessments levied upon any of the lots or portions of the city, and such taxes and assessments shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid, and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over when collected to the clerk of said city.

**SEC. 12. Limitation of Levy—When Not Limited.**—No limitation or restriction hereby contained shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city. In case of failure to collect taxes or other costs, and if such levy shall prove insufficient to pay such judgment, new taxes shall be levied until the whole of such judgment be paid. Any excess of the amount so levied and collected over the payment of such judgment shall go into the current funds of the city.



## CHAPTER VI.

## STREETS, BRIDGES, PUBLIC GROUNDS AND SIDEWALKS.

SECTION 1. *Common Council to Have Control.*—The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, levees, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from all nuisances, and shall have power to build and keep in repair bridges, lay out, open, alter and vacate public squares and highways, streets, lanes and alleys, and extend, narrow, widen or straighten the same, and to procure grounds for any public building and for planting trees upon, or otherwise ornamenting the same; also, to construct, lay, relay, erect, clean and repair crosswalks and sidewalks, area walls, gutters, sewers, private drains, and to abate any and all public nuisances within said city, and to compel the owners of all lands in said city to keep the sidewalks abutting on the same free from all ice, snow, and all other obstructions, subject to the assessment of damages provided for in this act.

SEC. 2. *Proceedings for Improvement.*—Whenever a petition for the making of any improvement mentioned in the preceding section shall be presented to the common council of said city, purporting to be signed by owners of real estate in the vicinity of such proposed improvements, and which signers shall be owners of more than one-half ( $\frac{1}{2}$ ) in area of the real estate which may by said common council be deemed to be especially benefited by such improvements; or whenever, without such petition, two-thirds ( $\frac{2}{3}$ ) of all the aldermen elect shall vote in favor thereof, the common council shall, except in cases herein otherwise provided, refer the same to a committee appointed by the common council from its own members, of whom one (1) shall be from each ward, and designated and known as the "Committee on Streets," or to some other committee, as the council may deem expedient. The said committee shall then proceed to investigate the subjects so referred, and may cause such surveys or plats to be made as they may deem necessary, and shall make report to the common council, and give an estimate of the expense of making such improvements, and if the proportion or amount which in their opinion may properly be assessed upon real estate as benefits derived from such improvements, and what proportion or amount should properly be assessed upon or borne by the city at large. They shall also report wherein, in their opinion, the contemplated improvement is desired by the owners of the greater part in area of the property liable to be assessed therefor. If the said committee shall not approve of the making of such improvements, they shall, in their report to the common council, give their reason for their disapproval, and in such case the common council shall not order the prosecution or making of such improvements except by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of said common council. After the report of said committee shall have been made to the common council, they may in any respect modify the plan of the contemplated improvements; *Provided*, that such modification shall not be such as to materially increase the expense or alter the general plan thereof, except upon a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elect. The common council

may, for any reason, again, or as often as they may deem it necessary, refer the subject of any contemplated improvements of [to] said committee to be acted upon by them anew, as above provided, or for any other or special purpose as they may deem it proper.

**SEC. 3. Report and Action Thereon—Contract.**—When the said committee shall have reported to the common council in relation to any proposed improvement, involving the doing of any work or the furnishing of any material, the common council may direct the city clerk to advertise for proposals for doing such work or for furnishing such materials; the plan and profile of the work to be done, accompanied with specifications for doing the same, in all cases when such plan, profile and specifications may be necessary for perfect description of the work to be done, being first placed on file in the office of the city clerk; which plans, profiles and specifications shall at all times be open for public inspection. The committee may, for the sake of convenience or accuracy, divide the proposed work and improvement into several divisions or sections, and indicate the same in their report to the common council, and in such cases the plan, profile, and specifications shall correspond as near as may be with and indicate such divisions or sections. Bids for doing any work or making any improvement, as provided herein, shall name a gross sum for the whole work or improvement, or some specified section or division thereof, and the contract when awarded shall be for the doing of the work or making the improvement of some specified section, portion, or division thereof, at a gross sum for the whole or such specified part thereof. Upon being directed to advertise for proposals as above provided, the city clerk shall cause an advertisement to be published for at least two (2) weeks in the official paper of said city, stating briefly in general terms the nature of the work to be done, stating where the plan, profile and specifications may be examined and within what time bids for doing such work will be received. Such bids shall be directed to the common council of the city of Le Sueur, and shall each be accompanied by a bond to said city in a sum equal to thirty (30) per cent of the amount of the bids as liquidated damages, and signed by the bidder and two (2) responsible sureties, to the satisfaction of the common council, conditioned that the bidder shall execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded him; and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof, in any court having jurisdiction thereof; *Provided*, that the amount of the bond may, in the discretion of the common council, be fixed at any other sum or percentage than that hereinbefore prescribed, or none may be required. Said bids shall be opened by the common council at their next meeting after the time for receiving bids shall have expired, or at any other time appointed, regular or special meeting thereafter. Upon the opening of the bids, or at any time thereafter, the common council may award the doing of the work, or any part thereof, to the lowest responsible bidder or bidders who shall have complied with the above requirements and who shall have sufficiently guaranteed to the satisfaction of the common council the faithful performance of said work. The common council may let such contract upon such conditions or provisions, not inconsistent with the

provisions of this act, as they may deem proper. In case any person or persons with whom such contract may have been made shall fail or neglect to complete the same within the time and in the manner prescribed, the common council of said city may, at any time after such default, in its discretion and at its election, instead of causing action to be brought on such bond for the recovery of the amount thereof on account of such default, by a vote, declare such contract forfeited, and the city may then complete the work by contract or otherwise, and the cost of completing the same shall be considered as forfeited and as liquidated damages between such contractor and the said city for such breach of contract, and shall be deducted and withheld from the contract price which such contractor was to have received for doing the whole of such work.

SEC. 4. *Conditions of Contracts.*—Any contractor or person who enters into a contract for the doing of any work or making any improvement provided for in this act, shall take such contract with the condition that he, and the sureties upon his bond, shall be personally and directly responsible for any and all loss, damage, or injury to person or property resulting from the neglect or failure of himself or anyone in his employ; and conditioned so as to perform such work as to guard against all losses, damage and injury to person and property, and he shall so guard the said work by suitable guards by day, and with lights at night, so as to prevent any such loss, damage, or injury. The provisions of this section shall be regarded as forming part of any contract entered into by any person with the city.

SEC. 5. *Establishment and Change of Street Grades.*—The common council shall have power and may cause to be established from time to time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor, or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk in a book or books of profiles kept for that purpose, and whenever such grade aforesaid has been established, it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the common council elect.

SEC. 6. *Vacating Streets—Exclusive power of Common Council.*—The common council of the city of Le Sueur shall have sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuances shall be granted or ordered by the common council except upon the petition of one or more residents and freeholders within said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of the petitioners. The common council shall thereupon, if they deem it expedient that the matter shall be proceeded with, order the petition to be filed on record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, that such a petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council, or such committee as

may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen elect, declare such public grounds, streets, alleys or highways vacated, which said order, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such order, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds in the county of Le Sueur.

SEC. 7. *Appeal—Vacating Streets.*—Any person feeling aggrieved by any such vacation or discontinuance may, within twenty (20) days after the publication thereof, by notice in writing served upon the mayor or the city clerk of said city (a copy thereof with proof of service shall be filed in the office of the clerk of the district court of Le Sueur), appeal to said court from such vacation or discontinuance, and such appeal shall be tried in said court as other cases are tried therein, and the judgment of said court shall be final. It shall be the duty of the city clerk, as soon as any such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

SEC. 8. *Power to Open New Streets and Assess Damages.*—The common council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of the members of the common council, lay out or open any new street, or alley, or public ground, or straighten, widen, or extend any street or alley that now or hereafter may exist, and when such vote is entered and approved, and it shall become necessary to take, injure or interfere with private property, the same shall be referred to a board of commissioners appointed by the common council, for assessment and of the benefits and damages caused thereby, as provided for by this act, and when that is determined and confirmed, the final order for the purpose named shall be entered by the common council. Said board of commissioners shall be appointed by the common council in the following manner: Upon ordering any improvement above mentioned to be made, the common council shall appoint as many commissioners as there may be wards of said city, but not less than three (3), selecting one (1) from each ward and one (1) from the city at large, all of whom shall be disinterested freeholders and qualified voters of said city, to view the premises and assess the damages or benefits which may be occasioned by the taking of private property or otherwise in making said improvements. Said commissioners shall be notified as soon as practicable, by the city clerk of said city, to attend at his office at a time to be fixed by him, for the purpose of qualifying and entering upon their duties. In case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50), and shall be liable to be prosecuted therefor before a city justice of said city, and as in the case of fines imposed for the violation of an ordinance of said city, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid,

selecting from the wards in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy in said board of commissioners, the common council shall fill the same, and the city clerk shall act as city clerk for such board of commissioners, and the salary of such board of commissioners shall be three dollars (\$3) for each day in attendance.

The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity; and they shall make due returns of their actions and doings to the common council, and proceed, in a manner hereinafter prescribed, to ascertain and assess the damages to the owners of such lands for such appropriation or condemnation, and to assess upon the real estate by them determined to be especially benefited by the making of such improvements such damages and costs of making such improvements to the extent of the special benefits deemed to be derived by such real estate therefrom.

SEC. 9. *Buildings May be Removed.*—If there should be any buildings standing in whole or in part upon the land to be taken, the same board of commissioners shall add to their estimate for damages for the land, also the damages for the building or part of building necessary to be taken, if it be the property of the owner of the land; when owned by any other person the damages for the building shall be assessed separately. The value of such building to be removed, or of the part thereof necessary to be taken, shall also be determined by the said board of commissioners, and notice of such determination shall be given to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident of the city, notice to all persons interested shall be given by publication for two (2) weeks in the official paper of the city. Such owner may be at any time within twenty (20) days after service or the last publication of such notice, notify the board of commissioners in writing, or of his election to take such building or part of building at their appraisal, and in such case the amount of such appraisal shall be deducted by the board of commissioners from the estimated damages for the land and building, where they belong to different owners, and the owner shall have such reasonable time the removal of the building, after the confirmation of the assessment, as the board of commissioners shall allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, then no such deduction shall be made from the estimated damages for the taking of such property, and after the provision shall have been made for the payment of the same, as hereinafter provided, such building or so much thereof as may be necessary, may then be taken and appropriated, sold or disposed of in such manner as the common council shall direct the same, or the proceeds thereof shall belong to the city.

SEC. 11. *Property Benefited and Damaged.*—Whenever the contract for doing any work or making any improvement as herein provided shall have been made or awarded by said common council, or when the damages to be paid for the appropriation or condemnation of such property, in pursuance of the provisions of this act, shall have been ascertained and determined by the board of commissioners or confirmed by the common council, or in case an appeal shall be taken, as provided in this act, when such damages shall have been determined

by the judgment of the court, the said board of commissioners shall thereupon proceed to assess, in the manner hereinafter provided, upon the real property by them deemed to be specially benefited by doing the work or making the improvement, in proportion, as nearly as may be, to the benefits resulting therefrom, the amount for which any such contract may have been awarded or let, or the amount of damages so ascertained or determined, as the case may be, to the extent of the special benefit deemed to be derived by such real estate therefrom. The balance of the amount for which the contract may have been awarded or let, or of the damage for taking any property, so ascertained and determined, shall be chargeable upon and paid by the city at large.

**SEC. 12. Notice—How Given.**—Before proceeding to make such assessments of benefits to be derived from any improvement, or damage for taking of any property, as hereinbefore provided, said board of commissioners shall cause notice to be given by publication in the official paper of said city for at least two (2) weeks, of the time and place for the meeting for the purpose of making such assessments, which notice shall specify in general terms the object of such assessment; provided that in case any such improvement consists in or includes the taking or appropriating of any land or property, written or printed notice of the meeting of such board of commissioners, for the purpose of determining the damage to be awarded to the owner of such property for such taking, shall be served at least one (1) week before such meeting, by the chief of police or the police officer of said city, upon the person whose property is to be condemned. If such person is known and is a resident of said city, such notices shall be served by delivering the same to the person to be served personally, or by leaving the same at the usual place of abode of such person with some person of suitable age and discretion therein residing. If the owner of such property is unknown, or is a non-resident of said city, or is absent therefrom and has no place of residence therein where service can be made in the manner provided, of which facts the return of the chief of police or any other police officer of said city shall be conclusive evidence, notice of such meeting shall be published as hereinbefore in this section provided. All persons interested in any such assessments shall have the right to be present and be heard, either in person or by attorney. The board of commissioners shall visit the locality of the contemplated improvement, and shall receive any legal evidence that may be offered relative to the matter to be determined by them, and are hereby authorized to administer oaths to witnesses produced before them. They shall permit the city attorney or the common council to appear before them at such hearing, to represent the interests of the city. They may adjourn from time to time and from place to place, until such assessment shall be completed. The action or determination of the majority of said members of the board of commissioners shall be binding as the act of said board.

**SEC. 13. Completion of Assessment and Confirmation.**—When such assessment of damages or of benefits shall have been complete, the board of commissioners shall cause the same to be entered in a book to be kept for the purpose by the clerk of said board. After the same is so entered, said board shall cause notice to be given, by at least one (1) week's publication in the official paper of said city, that such assessment has been completed and entered as aforesaid, and that at

selecting from the wards in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy in said board of commissioners, the common council shall fill the same, and the city clerk shall act as city clerk for such board of commissioners, and the salary of such board of commissioners shall be three dollars (\$3) for each day in attendance.

The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity; and they shall make due returns of their actions and doings to the common council, and proceed, in a manner hereinafter prescribed, to ascertain and assess the damages to the owners of such lands for such appropriation or condemnation, and to assess upon the real estate by them determined to be especially benefited by the making of such improvements such damages and costs of making such improvements to the extent of the special benefits deemed to be derived by such real estate therefrom.

**SEC. 9. *Buildings May be Removed.***—If there should be any buildings standing in whole or in part upon the land to be taken, the same board of commissioners shall add to their estimate for damages for the land, also the damages for the building or part of building necessary to be taken, if it be the property of the owner of the land; when owned by any other person the damages for the building shall be assessed separately. The value of such building to be removed, or of the part thereof necessary to be taken, shall also be determined by the said board of commissioners, and notice of such determination shall be given to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident of the city, notice to all persons interested shall be given by publication for two (2) weeks in the official paper of the city. Such owner may be at any time within twenty (20) days after service or the last publication of such notice, notify the board of commissioners in writing, or of his election to take such building or part of building at their appraisal, and in such case the amount of such appraisal shall be deducted by the board of commissioners from the estimated damages for the land and building, where they belong to different owners, and the owner shall have such reasonable time the removal of the building, after the confirmation of the assessment, as the board of commissioners shall allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, then no such deduction shall be made from the estimated damages for the taking of such property, and after the provision shall have been made for the payment of the same, as hereinafter provided, such building or so much thereof as may be necessary, may then be taken and appropriated, sold or disposed of in such manner as the common council shall direct the same, or the proceeds thereof shall belong to the city.

**SEC. 11. *Property Benefited and Damaged.***—Whenever the contract for doing any work or making any improvement as herein provided shall have been made or awarded by said common council, or when the damages to be paid for the appropriation or condemnation of such property, in pursuance of the provisions of this act, shall have been ascertained and determined by the board of commissioners or confirmed by the common council, or in case an appeal shall be taken, as provided in this act, when such damages shall have been determined

by the judgment of the court, the said board of commissioners shall thereupon proceed to assess, in the manner hereinafter provided, upon the real property by them deemed to be specially benefited by doing the work or making the improvement, in proportion, as nearly as may be, to the benefits resulting therefrom, the amount for which any such contract may have been awarded or let, or the amount of damages so ascertained or determined, as the case may be, to the extent of the special benefit deemed to be derived by such real estate therefrom. The balance of the amount for which the contract may have been awarded or let, or of the damage for taking any property, so ascertained and determined, shall be chargeable upon and paid by the city at large.

**SEC. 12. *Notice—How Given.***—Before proceeding to make such assessments of benefits to be derived from any improvement, or damage for taking of any property, as hereinbefore provided, said board of commissioners shall cause notice to be given by publication in the official paper of said city for at least two (2) weeks, of the time and place for the meeting for the purpose of making such assessments, which notice shall specify in general terms the object of such assessment; provided that in case any such improvement consists in or includes the taking or appropriating of any land or property, written or printed notice of the meeting of such board of commissioners, for the purpose of determining the damage to be awarded to the owner of such property for such taking, shall be served at least one (1) week before such meeting, by the chief of police or the police officer of said city, upon the person whose property is to be condemned. If such person is known and is a resident of said city, such notices shall be served by delivering the same to the person to be served personally, or by leaving the same at the usual place of abode of such person with some person of suitable age and discretion therein residing. If the owner of such property is unknown, or is a non-resident of said city, or is absent therefrom and has no place of residence therein where service can be made in the manner provided, of which facts the return of the chief of police or any other police officer of said city shall be conclusive evidence, notice of such meeting shall be published as hereinbefore in this section provided. All persons interested in any such assessments shall have the right to be present and be heard, either in person or by attorney. The board of commissioners shall visit the locality of the contemplated improvement, and shall receive any legal evidence that may be offered relative to the matter to be determined by them, and are hereby authorized to administer oaths to witnesses produced before them. They shall permit the city attorney or the common council to appear before them at such hearing, to represent the interests of the city. They may adjourn from time to time and from place to place, until such assessment shall be completed. The action or determination of the majority of said members of the board of commissioners shall be binding as the act of said board.

**SEC. 13. *Completion of Assessment and Confirmation.***—When such assessment of damages or of benefits shall have been complete, the board of commissioners shall cause the same to be entered in a book to be kept for the purpose by the clerk of said board. After the same is so entered, said board shall cause notice to be given, by at least one (1) week's publication in the official paper of said city, that such assessment has been completed and entered as aforesaid, and that at



the time specified in such notice, application will be made to the common council for a confirmation of the same. Objections to said assessment may be heard before the common council at such times; *Provided*, that all such objections shall be in writing, and shall be filed in the office of the city clerk at least one (1) day prior to such meeting of the common council. Should no quorum be present at such appointed meeting of the common council, such meeting for the confirmation may be adjourned by the members of said common council present to such other time as they may deem expedient; and at such adjourned time, without further notice or publication, the common council may act in reference to such assessment in the same manner and with the same authority as they might have done at the meeting appointed for the purpose had a quorum been present; *Provided*, that nothing herein contained shall preclude the said board of commissioners from causing a new notice of application for confirmation to be given by publication in the manner above provided in case any previous notice shall be found irregular or invalid, nor in case of there being no quorum at any prior appointed meeting or any other cause preventing a regular and valid action by the common council in relation to such assessments, and the common council shall have the power to adjourn such hearing from time to time, and shall have power in their discretion to revise and correct the assessment and to confirm the same in whole or in part, and to direct a new assessment to be made. Said assessment when confirmed by the common council, without further action thereon by the board of commissioners or former confirmation by the common council, shall be final and conclusive upon all parties interested therein, except as hereinafter otherwise provided. If said assessment shall be annulled by the common council, or as set aside by any court in whole or in part, the board of commissioners shall proceed to make a new assessment of so much of the former assessment as may have been annulled or set aside, and return the same in like manner and give like notice as hereinbefore provided, and all parties in interest shall have the like rights, and the common council shall perform the like duties and have the like powers in relation to any subsequent assessment or determination as are hereby given in relation to the first.

SEC. 14. *Appeal—How Taken.*—Any person whose property has been appropriated, and who has filed objection to the assessment of damages therefor, as hereinbefore provided, shall have the right, at any time within ten (10) days after the confirmation of such assessment, to appeal to the district court of the county of Le Sueur from such confirmation of assessment. Said appeal shall be made by filing a written notice with the city clerk containing a description of the property of such appellant so appropriated, and the objection of such appellant to such assessment, and by filing with the clerk of said district court of Le Sueur county a bond to the city of Le Sueur, conditioned to pay all costs which may be awarded against the appellant, which bond shall be in such sum and with such surety, as shall be approved by the judge of any court of record in this state. A copy of such notice of appeal, with the date of filing the same, certified by the city clerk, shall also be filed with the clerk of said court within the time above limited for perfecting such appeal. A copy of the record of such assessment as confirmed, as provided in section thirteen (13) of this chapter, and of the objections as aforesaid made to the confirmation

thereof, certified by the city clerk at the expense of the appellant, shall be filed with the clerk of said court at the time of taking such appeal. Such appeal shall be entitled in said court in the name of the person taking the same against the city of Le Sueur, as an appeal from an assessment.

**SEC. 15. *Issue and How Tried.***—Such cause shall then be deemed to be at issue, and betried in the district court as all other cases therein, except no pleadings shall be required, and on the trial the only question to be passed upon shall be whether the assessment of damages, so far as it affects said property, is fair and impartial, and if found not to be fair and impartial, damages for the taking of the property specified in the objections shall be reassessed by the court or jury, but such reassessment shall be, so far as practicable, in accordance with the same rules and principles herein prescribed in reference to the assessment by the board of commissioners. Judgment shall thereupon be rendered to the effect that upon the amount of damages so determined being paid or secured, in accordance with the provisions of this act, the city shall have the right to take, use and appropriate the property in question for the purposes for which the same was sought to be taken, and if the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge costs against said appellant in a sum not exceeding twenty-five dollars (\$25), in addition to all taxable costs.

**SEC. 16. *Assessments Confirmed—Proceedings Thereafter.***—When such assessments shall have been confirmed by the common council, and no appeal has been taken, or if an appeal shall have been taken when judgment shall have been rendered therein, the same shall be a lawful and sufficient condemnation of the land or property to be appropriated, and whenever there shall have been appropriated by the common council from money actually in the hands of the treasurer of said city, the amount of damages assessed for the taking of the same, and orders upon the treasurer for such amounts in favor of the person entitled thereto shall have been drawn, signed and delivered or tendered to the persons entitled to such damages, or whenever instead of such delivery or tender, such orders shall have been deposited with the city clerk for the use of such persons, to be delivered to them upon demand, then the said city may enter upon and appropriate such property to the use for which the same was condemned. Whenever, in case the city shall be unable to determine to whom the damages awarded should be paid, or in case of disputed claims in relation thereto, the amount thereof may be deposited by order of the common council in the district court for Le Sueur county, in the same manner as moneys are paid into court, until claimants and parties shall substantiate their claims thereto, and such payment into court shall be deemed a payment of the same to the person or persons entitled thereto, and the city shall thereafter be discharged from any further liability in respect thereto, and may enter upon and appropriate the property for the taking of which such damages were assessed.

**SEC. 17. *Liabilities for Obstructions and Excavations in Streets.***—All persons who shall, by means of any excavations in or obstructions upon any street of said city, not authorized by law or ordinance of said city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat,

render such street insufficient or unsafe for travel, shall be liable for all damages not caused by negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence.

SEC. 18. *Service upon Absent Defendants.*—Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

SEC. 19. *Limitation of Action.*—No action shall be maintained against the city of Le Sueur on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare unless such action shall be commenced within one (1) year from the date of the injury, nor unless notice shall first be given in writing to the mayor of said city or city clerk thereof within sixty (60) days after the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason or legally incapable of giving such notice. Nor shall any such action be maintained for any defect in any street until the same shall have been opened for travel and work done thereon, nor for any insufficiency of the ground where sidewalks are usually but not yet constructed.

SEC. 20. *Cleaning Streets, Etc.—How.*—The common council shall have power to designate districts or portions of streets, highways and alleys of said city, for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract or otherwise on such terms as shall be deemed advisable.

SEC. 21. *No Liability for Insufficiency of Streets—When.*—The acceptance of plats of additions of any grounds, or subdivisions thereof, either within or without the limits of said city, shall not make the city liable to grade the streets therein designated, or responsible for any insufficiency of such streets, until the common council shall direct the same to be opened for travel.

SEC. 22. *Plat of Street, Etc., Filed with Register of Deeds.*—Whenever any highway, street or alley or public ground is laid out, widened or narrowed or enlarged, or when any of the same are vacated or discontinued, under the provisions of this act, the common council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds for Le Sueur county.

SEC. 23. *Railroad Companies not to Obstruct Streets.*—No railway company or street railway company shall have any right, in clearing their tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street of said city. And any such company shall be liable to any person who shall be injured by means of such obstruction caused by such company or its servants, for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover such damages and costs from the company by whom the obstruction was caused.

**SEC. 24. Sidewalks—How Built.**—It is hereby made the duty of all owners of land in that portion of the city now or hereafter laid out into lots or blocks, adjoining any highway, street, lane or alley, to construct such sidewalks along the sides of the street, alley or highway next to the adjoining lands of such owners respectively, as may have been heretofore or shall hereafter be directed by the common council to be built, in such manner and of such material and width, and upon such place and grade, as the common council by ordinance or otherwise may prescribe.

**SEC. 25. Sidewalks—How Maintained.**—All owners of real estate, in front of or adjacent to which the common council shall order or direct any sidewalk to be constructed, relaid, repaired or cleaned and kept clean and free from ice, snow and other obstructions, shall construct, relay, repair or clean and keep cleaned and free from ice, snow and other obstructions, such sidewalks at their own cost and charge, in a manner and within the time prescribed by said common council, in a notice served as hereinafter provided; or in case of cleaning and keeping clean said sidewalks from snow, ice and other obstructions, in a notice published one (1) week in the official paper of said city, directed to all such land owners. Whenever the common council shall order any work to be done, and shall, by ordinance or otherwise, prescribe the manner of constructing such work, or shall have before done so, they shall cause notice to be given by a personal service upon the owner or occupant of such real estate, or by leaving the same at the house of his usual abode, with some person of suitable age and discretion then resident therein, or by publishing the same once in the official paper of said city. Such notice shall state the character of the work and the manner in which it is to be done, and the time in which the same shall be completed, which statement may be made in terms in said notice, or by reference to any ordinance or resolution of the common council then or previously published. Such notice shall state upon what lot or tract of land or in front of or adjacent to what lot or tract of land the said work is to be done, except that the notice to clean sidewalks need not contain any description of any particular lots or land, but shall apply to all that portion of the city therein mentioned, and the name of the owner or occupant of the land need not be given or stated therein. If the work be not done in the manner and within the time prescribed by the common council, the said common council may proceed to do the work by contract or otherwise, as they may deem proper, except as hereinafter provided. They shall, in case of constructing or relaying sidewalks, cause advertisements for proposals for doing such work to be made as provided in section three (3) of chapter six (6) of this act, but no plan, profile or specification of such work need be made or filed as therein provided; but the terms upon which the work is to be done, the manner of doing the same, and the necessary particulars or specifications may be stated in said advertisements in terms or by reference to any ordinance, resolution or notice of the common council then or previously published, designating the same by its title and date, or the date of the publication, or of the approval thereof by the mayor or the acting mayor of said city; *Provided*, that bids for constructing sidewalks, and contracts made thereon, may state the price for doing any work at a gross sum for any lot or tract of land or part thereof adjacent to or upon which the same is to be done, or it may be at a certain sum per lineal foot, or other unit of measure.

**SEC. 26. *Repair and Cleaning of Sidewalks.***—If the owner of any lot or parcel of land shall suffer any sidewalk along or upon the same to become rotten, out of repair, or incumbered with ice, snow or other obstructions, it shall be the duty of the common council to immediately repair and clean the same in a good and substantial manner, and to remove all ice and snow and other obstructions therefrom, and to ascertain and report the cost of such repairs and cleaning in each case, and the description of the lot or parcel of land abutting where such repairs are made and such cleaning done, and such report shall be carefully filed and preserved by the city clerk, and the common council shall, once in each year, at or as near as conveniently may be to the time of levying the yearly city taxes, assess and levy upon sidewalks which have been so repaired or cleaned of ice and snow and other obstructions, by the common council, the cost of making such repairs and removing said ice, snow and other obstructions. In each case all such assessments for all such repairs and cleaning within the year may be combined in one assessment roll and be collected as provided for in this act.

**SEC. 27. *Liability for Insufficient Sidewalk.***—It shall not only be the duty of all owners of land within said city to keep in good repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist along or abutting upon their respective lots or parcels of land, but such owners are hereby declared to be liable for all damages, to whomsoever resulting, arising from their fault or evident neglect in not keeping any sidewalk in good repair and in safe and passable condition.

**SEC. 28. *Notices may be Consolidated.***—Two or more of the notices required or authorized by this act to be given by the board of county commissioners, the city clerk or the common council, by publishing or otherwise, in pursuance of the provisions of this act, may be comprised in one (1); *Provided*, that such notices are of the same general character, or for like objects, and that in other respects the notice shall sufficiently set forth the objects and purposes of said notices. The provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city.

**SEC. 29. *Change in Officers.***—Any change made in the incumbent of any of the offices of the city during the pendency of any of the proceedings under this act, shall not affect or delay the same; but the successors of such officers are hereby authorized to do all the acts necessary to complete such proceedings the same as if their predecessors had remained in office, and any proceeding may be completed or act done in pursuance of the provisions of this act by any officer after the expiration of his term of office with the same validity as if he had continued in office.

**SEC. 30. *Change in Official Paper.***—Any change made in the official paper of said city during the pendency of any publication of any notice or proceeding under this act, or the substitution of any other paper as the official paper of said city, shall not invalidate any publication or proceeding, but the same may be completed in all respects as though no change or substitution had been made.

**SEC. 31. *Owner's Name not Essential.***—In none of the notices, orders, warrants or records of the proceedings prescribed by this act relating to assessments for benefits of improvements made need the name of the owner of the land upon which such assessments are made be given,

and no error or irregularity in any notice or order or assessment or proceeding of any kind had in pursuance of the provisions of this act, or any omission of the requirements thereof, shall invalidate the proceedings or cause the same to be held illegal unless it shall be made to appear affirmatively that such error, irregularity or omission actually prejudiced the right and affected the interest of the parties interested therein.

**SEC. 32. *Effect of Mistakes.***—No error, irregularity or invalidity in respect to any assessment upon any one or more of several lots or tracts of land, or of the proceedings in relation thereto, shall invalidate or make illegal the proceedings or assessments in respect to other lands than those to which irregularity or error has been made. No extension of the time for the doing of any of the work contracted for, or any other change in respect to such contract, not materially affecting the property rights of the person complaining of or pleading such change, shall invalidate any proceeding or assessment had or made under this act.

**SEC. 33. *Effect of Stay of Proceedings.***—No suspension or stay of proceedings in respect to any assessment upon or proceedings for the condemnation of any particular property shall stay or suspend any proceedings under this act in respect to any of her property; nor shall the annulling or setting aside of any such assessment or proceeding in respect to any particular tract or tracts of land invalidate or in any manner affect assessments upon or any proceedings in respect to any other tracts.

**SEC. 34. *Delay in Proceedings—How Avoided.***—Whenever it shall be deemed necessary to take private property for public use without the delay incident to the proceedings therefor in this act prescribed, the same may be done upon there having first been executed and deposited with the clerk of the district court for Le Sueur county the bond of the city of Le Sueur to the owner or owners of such property, to be approved by the judge of said court and in such sum as he may prescribe, conditioned that the city will pay all damages that shall be awarded for the taking of such property, and all costs that may be adjudged to such owner or owners in any court having jurisdiction in the premises; *Provided*, that proceedings shall be taken forthwith in pursuance of the provisions of this act to determine the amount of damages to which such owner or owners may be entitled for such taking. The city may thereupon enter upon and use the property in the same manner as they might have done if the damages for the taking had been already ascertained and paid, or secured to be paid.

## CHAPTER VII.

### WATER WORKS, SEWERS, LIGHTING OF STREETS.

**SECTION 1. *Construction of Water Works.***—The common council shall have the power to construct and maintain water works and sewers; to enlarge, extend and improve the same from time to time, as it shall consider the public good or necessities require, and the common council may extend and lay water mains and pipes in any street, alley, highway or public grounds within the limits of said city or permit and empower private parties to do so under such restrictions and regulations as the common council may require and impose.

SEC. 2. *Private Property—How Acquired.*—Whenever in the construction, establishment, enlargement or extension of water works, sewers, it shall in the judgment of the common council be necessary to take any private property consisting of lands, buildings or any other private property, the common council shall have the power to take and acquire the same by purchase of condemnation in the manner provided for in chapter six (6) of this act, and in cases of condemnation a full title in fee simple to the property acquired shall vest in the city.

SEC. 3. *Laying, Extension and Assessment of Water Mains.*—Whenever a petition for laying of water mains is presented to the common council, the signers to which shall be the owners of two-thirds ( $\frac{2}{3}$ ) of the real estate fronting such proposed water main, the common council shall order the same to be laid, and shall have the power to levy and collect by special assessment such portion of the cost and expense thereof as shall not exceed fifty (50) per cent of the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves and all necessary specials, upon the property upon both sides of the street, alley or lane fronting on such improvement, at an equal sum per foot, without regard to the valuation of such property, as provided in chapter ten (10) of this act; *Provided*, that no assessment shall be made when pipes are laid for fire protection; *Provided further*, that the common council shall have the power to lay and extend water mains at any time without a petition, but in such case all expenses thereof must be borne by the city at large.

SEC. 4. *Laying, Extension and Assessment of Sewers.*—The common council may, whenever they shall deem it necessary, lay, relay or extend any sewer through any street, alley or levee, and levy, assess and collect the cost thereof, not exceeding the estimated cost of a sewer two (2) feet in diameter, including all necessary catch basins, manholes, dump holes and flushing valves, by a special assessment on the property on both sides of the street or alley abutting on such improvements of an equal sum per front foot.

A sewer of two (2) feet in diameter is hereby declared to be a common sewer within the meaning of this act for the draining of abutting property.

SEC. 5. *Post Not Provided for—How Paid.*—The cost not provided for by such assessment, including the cost of large water mains and larger or main sewers, and constructing the same across streets, shall be paid out of the improvement fund, or any other fund provided for that purpose by the common council.

SEC. 6. *Common Council to be in Control.*—The common council may at all times regulate and control the time and manner of laying and constructing by private parties, branch pipes and sewers leading from the main lines of water mains and sewers, and of making connection with the main lines and branch lines, both public and private. The common council may, whenever it shall deem it necessary to lay or construct branch pipes or sewers, in order in future to prevent the tearing up of streets, or for any other reason, determine in the case of each main line, or any specified portion of a main line, the location, manner and construction of such branch lines, providing in its discretion one (1) or more for each lot or parcel of land, or one (1) for two (2) or more adjoining lots or parcels of land; may require the proper officer to make surveys, plats, and profiles showing the same,

which, approved and adopted, shall thereafter be preserved in the office of the city clerk; and may thereupon, whether such main line has been constructed, or is in process of construction, forthwith lay and construct all branch pipe and sewers not already constructed by private parties interested, from a connection with the main line to the line of the street; and whenever the common council constructs such branch pipes and sewers, it shall assess the whole cost of each upon all the lots or parcels of land to be served, at an equal sum per front foot, without regard to the value thereof. The common council may, in case it constructs any branch line at the same time it constructs a main line, assess in the manner indicated above, the whole cost thereof, and add the same to and include it with the assessment for the main line.

The common council may, subject to such terms and under such regulations as it may prescribe, require of all persons using an area, or any space within the lines of any street, to be laid within such area all necessary branch pipes for both water and gas, and back sewers to a connection with other branches, and also to be laid therein, inclosed in tubes or otherwise sufficiently protected, any and all electric light wires at any time required, to be laid beneath the surface of the street; and no permit for excavation or use of any area or space within the lines of a street, shall be given, except on condition that it may be used by others in the manner and for the purpose above named.

**SEC. 7. Rates to be Fixed by Ordinance.**—It shall be the duty of the common council from time to time to fix, by ordinance, rates for the use of water from the city water works, and provide for the collection of the same, and also to provide for the protection of such water works from injury or misuse or abuse.

The owner of private property, which property has upon it pipes connected with the city water works to convey water upon such property, shall, as well as the lessee or occupant of said property, be liable to the city of Le Sueur for rents or rates of all water used upon such premises, which may be recovered by action against such owner, lessee or occupant, or his or their agent, or any or all of them.

**SEC. 8. Street Lighting.**—The common council shall have authority to contract with any persons or corporations for lighting such streets and public places as they shall deem proper for the convenience and safety of the inhabitants by electric lights, gas, or otherwise, as the common council shall deem best.

**SEC. 9. Gas Pipes—How Laid.**—The common council shall permit the laying of gas pipes in any and all of the streets, alleys and highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same so that said gas pipes shall not at any time interfere with the construction of common sewers, or the lateral branches of, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed if it shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

**SEC. 10. Franchises—How Granted.**—The common council of the city of Le Sueur, shall not grant any franchise or franchises to any individuals, company or corporation for putting in or operating any plants, gas works, electric lights, street railways, or other public improvements, except by unanimous consent of all the aldermen elected,



tion of the charter and ordinances of the city, and such resolutions and other matter as may be designated by said common council.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 46.

[H. F. No. 1136.]

AN ACT TO INCORPORATE THE CITY OF NEW PRAGUE, IN THE COUNTIES OF SCOTT AND LE SUEUR AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

### CHAPTER I.

#### CREATION OF CORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the counties of Scott and Le Sueur, hereinafter described, shall be a city by the name of New Prague, and all the people now inhabiting, and those who shall hereafter inhabit the said district, shall be a municipal corporation by the name of the "City of New Prague," and by that name may sue and be sued, plead and be impleaded in any court; make and use a seal and alter it at pleasure; take, hold and purchase, lease and convey all such real, personal and mixed estate as the purposes of the corporation may require, or the transactions or exigencies of its business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the powers possessed by municipal corporations at common law, and in addition thereto shall possess all powers hereinafter specifically granted, and all the authorities thereof shall have perpetual succession.

SEC. 2. The district of country constituting the city of New Prague shall be the following described lands, to-wit:—The south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the south half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section thirty-four (34) in township one hundred and thirteen (113) north of range twenty-three (23) west, and the north half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the north half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section three (3) in township one hundred and twelve (112) north of range twenty-three (23) west, and the north half ( $\frac{1}{2}$ ) of the south half ( $\frac{1}{2}$ ) of section thirty-four (34) in township one hundred and thirteen (113) north of range twenty-three (23) west, and the east ten (10) rods of the south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section thirty-three (33) in township one hundred and thirteen (113) north of range twenty-three (23) west, and the south half ( $\frac{1}{2}$ ) of the north half ( $\frac{1}{2}$ ) of section three (3) in township one hundred and twelve (112) north of range twenty-three (23) west, save and except the east ten (10) acres of said south half ( $\frac{1}{2}$ ) last aforesaid, being in the counties of Scott and Le Sueur in said state.

SEC. 3. Said city shall comprise and is hereby divided into two (2) wards, as follows: The first (1st) ward shall comprise all the territory within said limits lying and being in the county of Le Sueur. The second (2d) ward shall comprise all the territory within said limits lying and being in the county of Scott.

## CHAPTER II.

### OFFICERS AND ELECTIONS.

SECTION 1. The officers of said city shall be those mentioned in this chapter, and such additional officers as may be appointed from time to time by the city council, and as herein otherwise provided for.

SEC. 2. The elective officers of the city shall be a mayor, a treasurer, a city clerk and two (2) justices of the peace, who shall be styled city justices, and members of the city council. The city council shall consist of two (2) aldermen from each ward, to be elected by the qualified voters of their respective wards, and one (1) alderman, to be styled alderman at large, to be elected by the qualified voters of said city, who shall be *ex-officio* president of the city council. Each ward alderman shall be a resident and qualified voter of the ward for which he shall be elected, and shall continue to reside in such ward during the time he shall continue to serve as such alderman. All other officers of the city shall be appointed by the city council, unless herein otherwise provided. The appointment of officers by the city council shall be determined by ballot, and it shall require a concurrence of a majority of all members of the city council to appoint any such officer. The city council is authorized to appoint such officers in addition to those mentioned in this charter as it may deem necessary for the proper management of the affairs of the city, and to prescribe their duties and fix their compensation.

SEC. 3. All persons entitled to vote for state or county officers, and who shall have resided for ninety (90) days in the city, and for ten (10) days next preceding the election in the precincts in which they offer their votes, shall be entitled to vote for an officer elected under this charter, and to hold any office created hereby, except as herein otherwise provided.

SEC. 4. Elections for the elective officers provided for by this chapter shall be held biennially on the second (2d) Tuesday of April, and shall be by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the city council, in such manner and at such time as it shall prescribe. The provisions of the general laws of this state, governing elections, shall apply to all elections held under this charter, except as otherwise provided herein, and all special provisions contained in this charter, governing elections, shall also apply to all elections within the city, but the returns for all city elections shall be made to the city clerk, and for all state and county elections to the county auditors of said counties of Scott and Le Sueur. Each ward established hereby shall constitute an elec-

tion precinct, as well for state and county as for city elections, and the city council shall designate the place of holding elections in each election precinct at least twenty (20) days prior to such election, and the place so designated shall remain the place of holding election until a new designation is made.

SEC. 5. The aldermen of the city shall be *ex-officio* judges of elections of the precincts wherein they respectively reside, unless disqualified or declining to serve. At least twenty (20) days before any election, the city council shall appoint such number of additional judges of election as may be necessary to constitute a full board for each election precinct, and such election board shall have power to appoint a suitable number of clerks of elections. No person shall serve as judge or clerk of election who is a candidate for office at such election.

SEC. 6. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges of election shall make returns thereof, stating therein the number of votes for each person for each and every office voted for at such election, and shall deliver or cause to be delivered such returns to the city clerk within one (1) day after any election, and the city council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The city clerk shall forthwith notify the officer or officers elected of his or their election by written notice served upon such officer or person, or left at his usual place of abode with some person of suitable age and discretion residing therein.

SEC. 7. Special elections to fill vacancies shall be ordered by the city council at the time such vacancy is declared and shall be held within twenty (20) days thereafter, and reasonable notice by publication in the official newspaper of said city and by posting notice in at least three (3) public places in each ward of said city at least ten (10) days prior thereto, shall be given of such election. Such special elections shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in case of general elections, but it shall not be necessary to appoint judges or to make new registers of votes for such special elections, but the judges of election of the last general election in any precinct shall continue to be judges of election for such special election, and vacancies of judges may be filled as in case of general elections, and such judges shall have the right to take from the city clerk and use at such special elections the register of votes used at the last general election.

SEC. 8. Any officer removing from the city or the ward for which he was elected or appointed, or any officer who shall refuse or neglect, for ten (10) days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office; and any officer elected by the people or by the city council, having entered upon the discharge of the duties of his office, may resign the same with the consent of the city council. Such resignation shall be tendered to the mayor and by him laid before the city council at its next session thereafter. Any officer appointed by the mayor may resign the same with the consent of the mayor. Whenever any vacancy shall occur in the office of mayor, treasurer, city clerk, member of city council, city justice, or whenever there shall be a failure by the people to elect any such officer on the day designated,

the city council shall have power and it shall be its duty to declare such office vacant, by resolution entered in its minutes, and thereupon an election to fill such vacancy shall be called and held as herein provided for.

SEC. 9. Any person holding office under this charter may be removed from such office by the city council. Such removal shall be determined by ballot, and it shall require the concurrence of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected to effect such removal. But no officer, elected by the people shall be removed except for cause, nor unless first furnished with a statement in writing of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense, by counsel or otherwise. The city council shall have power to fix a time and place for the trial of any such officer against whom charges may be preferred, of which at least ten (10) days' notice shall be given by the city clerk in the manner prescribed for notices of election to office, and shall have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case, and if any such officer shall neglect to appear and answer the charges preferred against him, the city council may declare the office vacant.

SEC. 10. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, street commissioner and such other officers as the city council shall designate and require so to do, shall severally, before they enter upon the duties of their respective offices, execute to the city of New Prague bonds in such amounts and upon such conditions as the city council may by resolution fix and prescribe, and the city council may from time to time require new bonds and remove from office any officer refusing or neglecting to give the same. The bonds of all city officers shall be approved by the city council and filed with the city clerk, except the bond of said clerk, which, when so approved, shall be filed with the treasurer.

SEC. 11. The city council at its first regular meeting after the general election under this charter, or as soon thereafter as may be, and annually thereafter, shall appoint an attorney, who shall be styled city attorney, a street commissioner, an assessor, who shall be styled city assessor, and a physician, who shall be styled city physician, who shall each be appointed for one (1) year, and who shall each possess the same qualifications for office as are required in cases of elective officers, and shall designate one (1) newspaper printed in said city in which shall be published all ordinances, notices, proceedings and matters required by this act or any law of this state, or which may be required by any ordinance or resolution of the city council to be published in a public newspaper.

SEC. 12. The mayor, treasurer, city clerk, city justices and members of the city council shall each hold office for the term of two (2) years. The term of office of said elective officers shall commence on the third (3d) Tuesday of April following each general election under this charter, and shall terminate on the election and qualification of their successors, and the term of office of any person elected to fill any vacancy under this charter shall terminate on the third (3d) Tuesday of April following the next general election thereafter held under this charter, or when the successor of the person so elected to fill any vacancy shall

have qualified. The term of office of any officer appointed under this charter to fill any vacancy in the appointive officers of said city shall expire at the time of the meeting of the city council at which the term of the officer whose place was so filled by appointment would otherwise have expired.

## CHAPTER III.

### POWERS AND DUTIES OF OFFICERS.

**SECTION 1.** The mayor shall be the chief executive officer and head of the police of the city. He shall take care that all laws of the state and all ordinances of the city are duly enforced and observed within the city. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approves thereof he shall sign the same, and such as he shall not approve and sign, he shall return to the city council with his objections thereto, by depositing the same with the city clerk to be presented to the city council at its next meeting thereafter, and upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to be reconsidered, and the question shall be again put notwithstanding the objections of the mayor, and if, after such reconsideration, the city council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered in the record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sundays excepted, after it shall have been presented to him the same shall have the same effect as if approved by him. All contracts, appropriations and all orders on the treasurer shall be signed by the mayor.

**SEC. 2.** During the absence of the mayor from the city, or his inability from any reason to perform the duties of his office, the president of the council shall be styled and be acting mayor. During such absence or inability on the part of both the mayor and the president of the council, the vice president of the council shall be styled and be acting mayor. During such absence or inability on the part of the mayor, president and vice president of the council, any alderman whom the council may elect president *pro tempore* shall be styled and be the acting mayor.

**SEC. 3.** At the first meeting of the city council after each general election under this charter, the council shall proceed to elect by ballot from its number a vice president. The president shall preside at the meetings of the council. In case the president shall be absent from any meeting of the council, the vice president shall act as presiding officer and discharge the duties of said president. Whenever any official duties devolve upon the vice president and he is absent, or for any reason unable to act, the council shall elect one (1) of its number as president *pro tempore*, who shall perform such duties. The mayor, president and vice president of the city council shall have the right to administer oaths and affirmations.

SEC. 4. There shall be a clerk of said city, styled city clerk, who shall keep his office at the city hall, or such other place convenient thereto as the council may determine. He shall keep the corporate seal and all the papers, books and records of the city, and all the papers required by law to be filed in his office; he shall keep a true record of the proceedings of the city council at all meetings, at which it shall be his duty to attend; he shall make a full and accurate record of all the by-laws, rules, ordinances and resolutions made or passed by the council, and shall draw all orders on the treasurer in pursuance of any order or resolution of the council; he shall keep regular books of account in which he shall enter all the indebtedness and expenditures of the city, and which shall at all times show the precise financial condition of the city, the amount of all bonds, orders, certificates or other evidence of indebtedness of the city, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and shall show the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; he shall keep accounts with all receiving and disbursing officers of the city, charging them with all amounts received by them from the different sources of revenue, and with all city property in their hands or under their control, and crediting them with all amounts disbursed and property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. He shall report to the council at the close of each fiscal year a detailed statement of the receipts and expenditures for the year, and also an estimate of the expenses of the city and of the revenue necessary to be raised for the ensuing fiscal year, and shall also report the financial condition of the city at such other times as the council may require. He shall countersign all contracts made on behalf of the city, or to which the city is a party, and all bonds, orders, certificates or other evidences of indebtedness. He shall perform all other duties required by law of clerks of cities and towns within said city, but when services are required of him by law, for which compensation is provided by law, such services shall not be regarded as services rendered for said city, and he may retain such compensation in addition to the salary which he may receive from said city. Said city clerk shall have power to take acknowledgments and administer oaths and affirmations. Copies of any paper filed in his office, and transcripts of any record in his office, certified to by him under the corporate seal of said city, shall be evidence in all courts of said state, to the same extent that the original paper or record might, if produced, and all books, accounts, lists and records of said city kept by him in his said office, as herein provided for, shall be *prima facie* evidence of all matters contained therein.

SEC. 5. There shall be an attorney for the city, styled city attorney, who shall perform all professional services incident to his office, and shall be the legal advisor of all officers of the city upon all matters connected with their respective offices under this charter. He shall attend to and prosecute or defend all suits, actions or proceedings, either civil or criminal, for and in behalf of said city, to which said city may be a party; *Provided*, that said city council may at any time procure such other and additional counsel to act with said city attorney, as it may deem necessary and expedient.

SEC. 6. There shall be a city physician, who shall be a physician in general practice and in good standing in his profession, and a graduate of some well recognized college of medicine. He shall furnish medical and surgical attendance and medicines to all such poor of the city as he may be requested to attend by the proper authorities. It shall be his duty to make a general inspection of the city as to matters affecting the health of its citizens as often and when directed so to do by the city council. He shall make all such reports to the state board of health as are required by law, or by said board. He shall be *ex-officio* health officer and president and executive officer of the board of health of said city, and shall perform all duties required of him, as such, by law or any ordinance of said city.

SEC. 7. There shall be a board of health of said city, consisting of three (3) members, including the city physician, each member of which shall have the authority of a police officer in enforcing any law of the state, regulations of the state board of health, ordinance of said city, or regulations of said board to prevent the spread of contagious or infectious diseases, and for the preservation of the public health. Said board of health shall possess all powers conferred upon local boards of health, and perform all duties required of such boards by the general laws of the state.

SEC. 8. There shall be a city street commissioner, who shall have supervision and take charge of all work done on any street or alley of the city, and the construction of all sidewalks, parks, bridges and improvements in or upon the streets or public grounds. He shall take care that all contracts for any such work or construction in behalf of the city are complied with, and may suspend any work under any such contracts that does not conform to his requirements, until the city council shall direct the continuance of the same.

SEC. 9. The treasurer shall receive all moneys belonging to the city, including all taxes, license moneys and fines, and keep a detailed account thereof in books kept for such purpose. He shall exhibit to the council at the close of each fiscal year, and at such other times as the council may direct, a statement in detail of the resources and expenditures of the city and the state of the treasury; he shall also report to the council at such other times and in such manner as it may require. No disbursement of the funds of the city shall be made by the treasurer except upon orders drawn and countersigned by the city clerk and signed by the mayor or acting mayor of the city.

SEC. 10. All officers of the city having charge of any city property shall, at the close of each fiscal year, and oftener, if required by the council, make and return to the council a complete and verified inventory of all such property in their hands or under their control respectively, and such report shall be kept on file by the city clerk for public inspection.

SEC. 11. If any person, having been an officer of said city, shall not, within ten (10) days after notification or request, deliver to his successor in office all property, books, papers and effects of every description belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to said city five hundred dollars (\$500), and his successor in office may recover possession of such books, property, paper or effects in the manner prescribed by law.

SEC. 12. The city council shall have power at any time to require other and further duties, not inconsistent with this act, to be performed by any officer whose duties are herein prescribed.

SEC. 13. Neither the mayor nor any alderman shall receive any compensation for his services as such officer, but this shall not prevent the members of the board of equalization of taxes, or aldermen acting as judges of election, from receiving the compensation prescribed by law for such services.

The city council shall have power, unless otherwise provided herein, to fix the salaries or compensation of all other officers elected or appointed under this charter. Such compensation shall be fixed by resolution in the month of April of each year, and shall not be increased during the year for which it is so fixed.

SEC. 14. No person elected or appointed to office under the provisions of this charter, while such officer, shall either directly or indirectly be a party to or interested or concerned in any contract or job in which said city is interested, or any work prosecuted by its authority, or any compensation to be received therefor, and any contract or transaction prohibited as aforesaid shall be void, and any city officer offending against the provisions of this section may be removed from office by the council, and in case any money or valuable consideration shall have been paid on any such contract or transaction, the amount so paid may be recovered by the city from the parties to such contract or transaction, and such officer or officers interested therein, either jointly or severally.

## CHAPTER IV.

### THE CITY COUNCIL—ITS POWERS AND DUTIES.

SECTION 1. The aldermen elected under the provisions of this act shall constitute the city council of the city of New Prague, and a majority thereof shall constitute a quorum for the transaction of business.

SEC. 2. The city council shall hold regular meetings at such times as it may determine. The mayor or acting mayor may call special meetings of the council whenever deemed necessary or expedient, by notice to each member, delivered personally or left at the usual place of abode of such member. At such special meetings no business shall be transacted other than that designated in the call.

SEC. 3. The city council shall be the judge of the election and qualification of its own members, and in cases of contest shall have power to send for persons and papers. It shall determine the rules of its own proceedings, and such rules, when adopted, shall not be changed or deviated from, except as therein provided. It shall have power to compel the attendance of absent members. Continued absence from the regular meetings of the council by any member, for three (3) consecutive months, shall be good cause for removal from office, unless prior to such absence said council or the acting mayor of the city shall have granted such member leave therefor.

SEC. 4. The city council, in addition to all powers herein conferred and specifically mentioned, shall have full power and authority to make, enact, ordain, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, for the prevention of crime and for the general welfare



of the city and the inhabitants thereof as it shall deem necessary or expedient.

The enacting clause of all ordinances shall be: "The city council of the city of New Prague do ordain." The city council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons, corporation or associations, who may violate any provision of any ordinance or by-law ordained or passed by it, and all such ordinances and by-laws are hereby declared to have the force of law, provided they be not repugnant to the laws of the United States or of this state.

SEC. 5. The city council shall have full power and authority by ordinance, resolution or by-laws:

*First*—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, and all other entertainments to witness which a charge is made, and also public halls, concert halls, public buildings and inclosures used for places of resort and amusement; also to license and regulate auctions and auctioneers, insurance agencies and offices, hawkers, peddlers, pawnbrokers, dealers in second hand goods, junk dealers, slaughter houses, butcher shops, butcher stalls and venders of butchers' meat, keepers of intelligence or employment offices, tavern keepers, victualing housekeepers, billiard, pool, pigeon hole and other like tables, nine and ten pin alleys, bowling saloons, shooting galleries; also, to license and regulate canvassing for orders for goods, and selling or contracting for the sale by sample, where such articles are thereafter to be sent or delivered to the purchaser.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to prohibit the keeping of and to authorize the seizure and destruction of all instruments and devices used for the purposes of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct, and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers and inmates thereof and persons found therein.

*Fourth*—To compel the owner, occupant or keeper of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, drain or other unwholesome or nauseous house, structure or place, to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, and may regulate and prohibit the erection, operation or maintenance of any of the same in such parts of said city as it may deem necessary for the health and comfort of the inhabitants of the city.

*Fifth*—To regulate and prohibit the slaughtering of animals within said city; to regulate, control and prohibit the location and management of hog pens, poultry yards, stock yards, slaughter houses, market booths, stalls, breweries, distilleries and pawnbrokers' shops, and to establish rules for and license venders of gunpowder, and regulate and control the storage, keeping and conveying of gunpowder, gun cotton, dynamite and other explosive materials, and to regulate

the use thereof for blasting and other purposes within said city, and to regulate and control the storage, keeping, dealing in and conveying of petroleum, gasoline, kerosene and other explosive and inflammable oils or substances within said city, and to compel the removal of all tanks or structures used for the storage of any such oils to any place or places in said city by it deemed least dangerous, injurious or inconvenient to the inhabitants of said city.

*Sixth*—To regulate or prevent the incumbering of streets, sidewalks, alleys, lanes or public grounds with animals, carriages, carts, wagons, sleighs, or any vehicle, boxes, lumber, cordwood, poles, awnings, signs, porches, wires, ropes, building material, buildings, machinery, goods or merchandise for display, or any other substance or thing whatever, and the obstructing of the same in any manner whatever.

*Seventh*—To regulate the movement and speed of railway locomotives and cars within said city, and to require the construction and maintenance of gates at crossings of railway tracks over such streets as the council may designate; to prohibit, regulate and punish for the obstructing of streets with cars or locomotives; to regulate and prohibit the whistling of locomotive engines and the unnecessary escape of steam therefrom.

*Eighth*—To prevent and punish horse racing, immoderate driving or riding in the streets; to compel persons to fasten their horses or animals attached to vehicles or otherwise while standing in the streets; to prevent neglect and exposure of horses and animals while fastened in the streets; to compel the use of sleigh bells during the sleighing season, and to regulate places of bathing and swimming in the waters within the city limits.

*Ninth*—To restrain the running at large of horses, mules, cattle, swine, sheep or other animals, poultry or geese, and to authorize the distraining and sale of the same, and to impose penalties and punishment on the owners or keepers thereof for violation of the ordinances relating thereto; *Provided*, that when sale of such animals, poultry or geese shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling the same, shall be deposited with the city treasurer for the use and benefit of the owner of the property so sold, if called for within one year from the date of sale, otherwise the same shall be paid into and become part of the funds of the city.

*Tenth*—To prevent any person from bringing into the city, placing, burying or having within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unwholesome meat, flesh or fish, hides or skins of any kind, and to authorize the removal of the same at the expense of such person or persons.

*Eleventh*—To make and establish ponds, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, alleys and public grounds of the city, and to provide for and control the erection of water works in said city for the supply of water for said city and its inhabitants, and to grant the right to one or more private companies or corporations to erect and maintain water works for such purpose, and to authorize and empower such companies or corporations to lay water pipes and mains into,

through and under the streets, alleys and public grounds of said city, and to control the erection and operation of such water works, and the laying of such pipes and mains, in accordance with such terms and conditions as may be agreed upon between said city and such companies or corporations; to provide for and control the erection and operation of gas works, electric lights or other works or material for lighting the streets, alleys, public grounds and buildings of said city, and supplying light and power to said city and its inhabitants, and to grant the right to erect, maintain and operate such works, with all rights incident or pertaining thereto, to one or more private companies or corporations, and to control the construction and operation of such works, and the laying of pipes, mains and wires into, through and under the streets, alleys and public grounds of said city, and the erection of poles and mainstays, and the stringing of wires thereon, over, in, upon and across the streets, alleys and public grounds, and when necessary for carrying out the purposes of said companies or corporations in erecting and operating any of the works or enterprises herein mentioned, it becomes necessary, to appropriate private property in said city to the use of said companies or corporations in the manner provided in this charter for the appropriation of private property for public use.

*Twelfth* — To establish a board of health; to provide for hospitals and hospital grounds; to provide for the registration of births and deaths and the returns of bills of mortality; to regulate and prevent, if deemed expedient, the burial of the dead within the city limits, and to provide for and require the removal of any mortal remains now interred within such limits.

*Thirteenth* — To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked for sale contrary thereto; to regulate the inspection of flour, pork, beef, salt, fish, whiskies, liquors, malt liquors and other beverages, and to appoint inspectors, measurers, weighers and gaugers, and to prescribe and regulate their duties and compensation.

*Fourteenth* — To punish and prevent all persons riding or driving any horse, mule, ox or other animal on any sidewalk in said city, or in any way doing damage or injury to any sidewalk, gutter, sewer, street surface, pipes, mains, posts, wires, trees, grass plats, flowers, ornamental shade or other trees or shrubbery in any street, alley or public ground in said city.

*Fifteenth* — To punish and prevent the discharge of firearms, fireworks or crackers in said city, and to prevent the exhibition of any fireworks in any situation which may be considered dangerous to the city or any property therein or annoying to the inhabitants thereof.

*Sixteenth* — To license, regulate and restrain runners, agents or solicitors for public houses or other establishments.

*Seventeenth* — To punish and prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, public houses and places in said city.

*Eighteenth* — To establish public markets and other public buildings, and make rules and regulations for the government of the same, and to punish for and prevent from interrupting or interfering with the due observance of such rules and regulations or disobedience thereto, and to appoint suitable officers for overseeing and regulating such markets and stands.

*Nineteenth*—To regulate the place and manner of weighing hay and straw, and the weighing, measuring and selling of firewood, coal and other fuel, and to appoint suitable persons to superintend and conduct the same.

*Twentieth*—To license and regulate butchers' shops and stands for the sale of game, butchers' meats, butter, fish and other provisions.

*Twenty-first*—To compel the owner or occupant of buildings or grounds to remove snow and all ashes, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, and all such substances as the board of health may direct, and in the default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

*Twenty-second*—To prevent, control and regulate the landing of persons from boats, vessels, cars or other conveyances wherein is any infectious or contagious disease or disorder, and to make such disposition of such persons as to preserve the health of the city; and also to prevent, control and regulate the landing or coming into the city of paupers or persons in destitute condition, not having a regular settlement or residence therein, and to require that such persons be taken back to the place from which they may have been brought or where they reside by the persons or corporations bringing them into the city, and to punish any such person or corporation so bringing or attempting to bring such pauper or destitute person into the city.

*Twenty-third*—To regulate the time, manner and place of holding public auctions or vendues.

*Twenty-fourth*—To provide for watchmen and prescribe their number and duties and to regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties and to regulate the same, except as hereinafter otherwise provided.

*Twenty-fifth*—To provide for a standard of weights and measures, for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer, and to prohibit the use of false weights and measures.

*Twenty-sixth*—To direct and regulate or prohibit the planting or preservation of ornamental trees in the streets, alleys, public grounds or highways of the city or any portion thereof.

*Twenty-seventh*—To remove and abate any nuisance or encroachment upon the streets, alleys or public grounds of the city.

*Twenty-eighth*—To do all acts and make all regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease, and to make regulations to prevent the introduction of infectious or contagious diseases into the city, and to make necessary quarantine laws and to enforce them within the city.

*Twenty-ninth*—To remove, abate and prohibit any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

*Thirtieth*—To punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Thirty-first*—To provide for and regulate the erection of hitching posts and rings for fastening horses and other animals, or to prohibit them in any part of the city at its discretion.

*Thirty-second*—To provide for and regulate the numbering of houses and lots, and to compel the owners or occupants of houses or buildings to have the number of such houses or buildings designated thereon.

*Thirty-third*—To regulate or prohibit the propelling by steam of motors, traction engines and other vehicles over or upon the streets, of said city.

*Thirty-fourth*—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas, the location and construction of gas works, and the laying, maintaining and repairing of gas pipes, mains and fixtures; to provide for the inspection of gas and gas metres, and to appoint an inspector if deemed expedient, and to prescribe his duties.

*Thirty-fifth*—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric or other wires along or across the streets of said city, and to require any and all wires to be placed in such manner as it may designate beneath the surface of the street or sidewalk.

*Thirty-sixth*—To designate where lumber, shingles, laths and other building material shall be piled or stored, and to require any person handling, dealing in or owning any such to remove the same when it may endanger any building or other property near the same by exposing such building or property to risks by fire, and also to regulate and designate where the following kinds of business or amusement may be or may not be hereafter located or carried on, to-wit: Windmills, wood-yards, foundries, machine shops, woodworking shops, tanneries, factories, dye houses, boiler shops, rendering houses, glue factories, soap factories, store houses for oil, gunpowder, dynamite, petroleum, or other dangerous or explosive oils or substances, store houses for hides, stables, roller rinks and base ball grounds.

*Thirty-seventh*—To remove or require to be removed any buildings which by reason of dilapidation or defects in structure or other cause may have or shall become dangerous to life or property, and to provide for the punishment of all persons who shall maintain such nuisances. The expense incurred in making such removal shall be a lien upon the lot or parcel of land on which such building was situated, and may be assessed and collected in the same manner as other special assessments or any tax, or may be enforced by civil action in any court having jurisdiction.

*Thirty-eighth*—To require the owner or occupant of any building or structure in said city to place therein such fire escapes and such appliance for protection against and for extinguishment of fires as it may direct, and also to require such owner or occupant to construct, provide and furnish any building with means of egress, in such manner as it may deem necessary and expedient to lessen the danger to human life in case of fire or accident.

*Thirty-ninth*—To require the owners of buildings or other structures which have been destroyed by fire to take such step as it may deem necessary or expedient to prevent accidents to persons or property from falling walls or other substances or other cause, and in case of the refusal or neglect of said owner to adopt any such means as may be so directed or prescribed, then to cause the same to be done at the expense of such owner and to collect the cost thereof by special assessment on the land on which such structure stood, or to recover the same in a civil action in any court having jurisdiction.

*Fortieth*—To license and regulate hackmen, draymen, expressmen and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor and all police officers to regulate and direct the location of vehicles at such railroad depot or station.

*Forty-first*—To require and provide for the removal, in such manner and in such streets as it may determine, of any swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings or other foul or unhealthy stuff, and to assess the expense of such removal upon the property from which such above named matter or things shall be taken, and to direct, locate, regulate and prohibit the construction of privies and prescribe the limits within which no privies shall be constructed unless connected with public sewers.

*Forty-second*—To compel railway companies to grade the crossings of streets across all railway tracks in the city the full length of their right of way or of their tracks in or upon said streets, and to keep the same in repair, and to build and maintain suitable sidewalks across the right of way or tracks in said streets for the accommodation of foot passengers, and to build and maintain culverts, drains and sewers across the full width of the right of way or under the tracks in the streets, alleys and highways in the city, when and where the same shall be deemed necessary by the city council, and to regulate and prohibit any railway company, its servants or employes from obstructing the streets or crossings in said city.

*Forty-third*—To regulate the construction and building of chimneys and smoke stacks within the limits of the city; also the emission of dense smoke; to prohibit the erection or maintenance of any insecure or unsafe building, cracked wall or chimney, and to declare the same, or any part thereof, a nuisance, and to provide for its summary abatement.

*Forty-fourth*—To define and declare what shall constitute a nuisance, and to prohibit all persons from committing or continuing such nuisance or suffering the same to exist, and to provide for the removal and abatement of any nuisance, and for the assessment and collection of the expense thereof against the property upon or from which the same is abated or removed.

*Forty-fifth*—To regulate the penning; herding and pasturing of animals within said city.

*Forty-sixth*—To license and regulate all persons vending, dealing in, giving away or disposing of spirituous, vinous, fermented, mixed, malt or other intoxicating liquors within the limits of said city, and to designate the places where and conditions upon which any such liquors may be sold, and to prohibit the sale of such liquors in all or any part of said city, and to restrain or prohibit any person from selling, giving away, disposing of or dealing in any kind of intoxicating liquors in said city unless so duly licensed by said city council, and to prescribe and impose punishment therefor; and in any prosecution under this chapter or under any ordinance of said city for selling, giving away, disposing of or dealing in any kind of intoxicating liquor in said city, without being duly licensed, the finding of intoxicating liquors on the premises in question shall be *prima facie* evidence of their sale on said premises; and establishing the fact of one's having

drank what appears to be intoxicating liquor on any premises shall be *prima facie* evidence that such liquor was intoxicating; and the term "intoxicating," wherever it occurs herein, shall be understood to mean spirituous, fermented, vinous, mixed or malt liquors;

*Provided*, that no license for dealing in such liquors shall be issued for less than the minimum sum fixed by the general laws of the state, and the city council may fix the time not exceeding one (1) year from the date of issuance when any and all licenses issued by it or under its authority shall expire.

*Forty-seventh*—To prohibit the running at large of dogs, and may license and regulate the keeping of the same, and may impose a tax thereon, and to authorize the destruction of dogs, when at large contrary to the ordinances.

SEC. 6. The city council may impose punishment for the violation of any ordinance of the city, or of any portion thereof, to the extent of a fine not exceeding one hundred dollars (\$100), or imprisonment in the city prison or common jail of Scott and Le Sueur counties, not exceeding ninety (90) days, and offenders against such ordinances may be required to give security to keep the peace and for good behavior for period not exceeding six (6) months and in a sum not exceeding five hundred dollars (\$500).

SEC. 7. The city council may also provide by ordinance that any one convicted of an offense before a city justice, subjecting such offender to punishment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, and in case of male offenders, may be kept at hard labor during his term of imprisonment in such workhouse, or upon the streets, highways or public works or improvements of said city, or any or all of them; and may also provide by ordinance that any one convicted of an offense before a city justice, and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city as aforesaid, or in case of male offenders may be kept at hard labor either in such workhouse or upon public streets, public works or improvements, or both, until such person shall work out such fine at such rate of compensation as the council may prescribe for a time not exceeding the time for which he is committed; and the city council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons, and to prevent the escape of such persons.

SEC. 8. The city council shall have power to establish and maintain the city prisons and workhouses, for the imprisonment, custody and safe keeping of all prisoners retained or charged with any offense whatever in any way cognizable before a city justice; to make all proper rules and regulations for the government and management of such prisons and workhouses; to appoint keepers and officers for the same; to prescribe the duties and fix the compensation of the keepers of said prisons and workhouses; and said keepers shall have all the authority of a jailer at common law or the laws of the state.

SEC. 9. Ordinances and by-laws shall be passed by an affirmative vote of a majority of all the members of the city council by ayes and nays, which shall be entered in the record; and every ordinance shall be approved by the mayor and published in the official paper of the city before it shall take effect. No ordinance shall be passed at the same meeting of the council at which it shall have been pre-

sented except by the unanimous consent of all members present, which shall be noted in the record; but this shall not preclude the passage at the meeting at which they are introduced of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 10. All ordinances, after the same are approved, shall be recorded by the city clerk in a book provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith. The record of such ordinance and affidavit of such publication, or any copy of any such ordinance published in any compilation of ordinances made under the direction of the city council, shall be *prima facie* evidence of such ordinance, and the regularity of all proceedings relating to the adoption and approval thereof, and of the due publication thereof; shall be admitted as evidence in any court of this state without further proof.

SEC. 11. The city council may at any time create and define the powers and duties of such standing committees composed of its own members as it may deem proper, and it may at any time delegate to any such committee such powers and authority as it may deem proper, and may revoke any such power and authority and abolish any such committee at its pleasure. It may from time to time appoint special committees from its own members and prescribe their powers and duties. All acts performed by any committee within the scope of the authority conferred upon it by the council shall be as binding and of the same validity as if performed by the council itself.

SEC. 12. All courts of this state shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinance in any court.

SEC. 13. No appropriation of the funds of said city shall be made without the vote of the majority of all the members of the council in its favor, which vote shall be taken by ayes and nays, and be entered upon the record among the proceedings of the council.

SEC. 14. The city council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, city justices and all other officers, and the accounts of the city, at such times as it may deem proper, and also at the end of each year, and before the term for which the respective officers were elected or appointed shall have expired; and the council shall require any and every officer to give an account of his books and accounts, and vouchers, for such examination and settlement. And if any such officer shall refuse to comply with the orders of said council in the discharge of his duties, in pursuance of this section, and shall neglect or refuse to return his accounts or present his books or vouchers to said council, or any proper committee thereof, it shall be the duty of the council to declare the office of such person vacant; and the council shall order suits and proceedings at law to be commenced and prosecuted against any officers of said city who may be found delinquent or defaulting in his accounts or his official duties, and shall make a full record of all settlements and adjustments; and neglect of duty by any officer shall be sufficient cause for his removal from office by the council.

SEC. 15. The city council shall have the management and control of all finances and all property of the city, and may purchase any property deemed proper and necessary for the interest and convenience of the city and its inhabitants, and may sell any property of the



city when deemed for the interest of the city or its inhabitants. All the legislative power granted by the charter shall be vested exclusively in the council of the city, except as otherwise provided.

SEC. 16. The city council shall have power to acquire, by purchase or condemnation, such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all purposes connected with any department thereof, and for all streets, alleys, driveways, boulevards, public squares and parks in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works, structures or improvements in the manner hereinafter in this chapter provided.

SEC. 17. Any license issued by authority of the city council may be revoked at any time by the mayor or council, and upon conviction before any court of any person holding such license, for a violation of the provisions of any ordinance relating to the existence of any right granted by such license, the said court may revoke such license in addition to the penalty provided by law or by ordinance for any such violation, and the second (2d) conviction of any such violation shall operate to revoke such license without any further act or ceremony.

## CHAPTER V.

### FINANCES AND TAXATION.

SECTION 1. There shall be an assessor for the city, styled city assessor, who may, in the discretion of the council, be authorized, at his own expense, to appoint one or more deputies, subject to the approval of the council, and such deputies may be discharged at the pleasure of the assessor. The city assessor and his deputy or deputies shall qualify in the same manner, and as to all territory within the limits of the city shall perform all the duties now or hereafter required by assessors by the general laws of the state, and shall have all the authority, rights and powers now or hereafter conferred upon assessors by such laws, and any act performed by a deputy shall be as valid as if performed by the assessor. Every deputy shall be under the control and direction of the assessor, and shall perform such duties as may be assigned him by the assessor.

SEC. 2. In all respects not herein expressly provided for, the city assessor and his deputies shall, in making assessments, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the state for the government of assessors. The assessments shall be completed as soon as may be after the first (1st) day of May, and shall be returned to the city clerk to be by him laid before the council on or before the first (1st) Monday of July of each year.

SEC. 3. The city council shall constitute a city board of equalization, and shall be sworn according to law as such board, and meet in the council room in said city on the first (1st) Monday of July of every year, for the purpose of reviewing the assessment, and shall alter, revise, amend and equalize said assessment as it deems just and

proper. A majority of such board shall constitute a quorum to transact business. It shall be the duty of the city assessor to be present at all meetings of said board of equalization, for the purpose of presenting to said board all facts relating to the assessment. Such board of equalization is vested with and shall perform all the powers and duties which are or may be vested in or imposed upon either town or county boards of equalization under the general laws of the state, so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal property as returned by the assessor, and may raise the valuation of any real estate without notice to the owner.

SEC. 4. Said board of equalization may sit from day to day, or adjourn from time to time as it may deem proper, until it shall have completed the equalization of said assessment. It shall complete such equalization on or before the third (3d) Monday of July of each year, and shall have power to employ such clerk or clerks as may be necessary to complete the same within said time. Every person aggrieved by an assessment shall have the right to appear before such board and present his grievance for its consideration. It shall be the duty of the city attorney to attend the hearing of such grievance before said board, and whenever it appears that any property is listed or assessed at less than its true value, to call the attention of said board to such undervaluation, and to make application in behalf of the city for the correction of the same.

SEC. 5. The assessor shall make a separate assessment roll for each county, within which portions of said city may lie, of the property to be assessed by him and taxable in said county. When the assessment rolls shall be revised by the board of equalization, and the proper corrections made therein, the several rolls shall be returned to the auditors of the respective counties in which the property listed therein is taxable, as other assessment rolls. After such equalization the city clerk shall attach to such assessment roll a certificate which may be substantially in the following form:

"I hereby certify that the assessments in the assessment roll to which this certificate is attached have been equalized by the board of equalization of the city of New Prague, and appear therein as so equalized by said board.

Dated.....189.....

.....  
City Clerk."

and said assessment so equalized shall be subject to review by the state board of equalization.

SEC. 6. The city council may determine the time of the commencement of the fiscal year of said city, and until otherwise determined such fiscal year shall commence on the third (3d) Tuesday in April of each year.

SEC. 7. All revenues of the city shall be divided into the following funds, and a separate and distinct account shall be kept of each:

*First*—A revenue fund, in which all revenues of the city shall be placed, except such as are directed to be placed in some other fund.

*Second*—A poor fund, in which shall be placed all taxes levied and revenues received for the support of the poor of the city.

*Third*—A fire department and water works fund, in which shall be placed all taxes levied and revenues received for the maintenance of the fire department and for furnishing the city with a water supply.

*Fourth*—An interest fund, in which shall be placed all taxes levied and revenues received for the payment of interest on the bonds and indebtedness of the city.

*Fifth*—A sinking fund, in which shall be placed all taxes levied and revenues received for that purpose.

*Sixth*—A permanent improvement fund, in which shall be placed all taxes levied and revenues raised for that purpose and all sums raised for improvements by special assessments upon the property benefited.

SEC. 8. The revenue fund may be used for any lawful city purpose, and money may be transferred therefrom to other funds by the city council.

SEC. 9. The city council shall have power to, and shall, annually, levy taxes on all taxable property in the city liable therefor, to defray the current expenses of the city for the next fiscal year, for the support of the poor of the city, for the opening, maintaining and improving of streets, highways and public grounds, and the building of bridges and culverts, for the construction of buildings and improvements of a general character, and for the payment of the interest upon and the indebtedness of the city.

SEC. 10. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the purposes for which the same is levied; such resolution may be substantially in the following form:

"*Resolved*, That for the fiscal year commencing April..... the following sums be and hereby are levied upon the taxable property of the city of New Prague, to-wit:

For the revenue fund, the sum of.....dollars.

For the poor fund, the sum of.....dollars.

For the fire department and water works fund the sum of.....dollars.

For the interest fund, the sum of.....dollars.

For the permanent improvement fund, the sum of.....dollars.

For the sinking fund, the sum of.....dollars.

Passed this.....day of.....

Ayes Aldermen.....

Nays ".....

.....

*President of the City Council.*

Attest.....*City Clerk.*

Approved.....

.....

*Mayor."*

SEC. 11. The city council shall cause to be transmitted to the county auditors of Scott and Le Sueur counties on or before the tenth (10th) day of October in each year, a statement of all taxes by it levied, except as otherwise provided in this charter, and such taxes as well as all assessments for local improvements, statements of which shall be therewith transmitted to said auditors, shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said county shall pay over all city taxes by him collected, together with all penalties and interest which shall be collected on account of the same, to the city treasurer at the times provided by law for payment over of town taxes.

SEC. 12. No money shall be paid out of the city treasury unless such payment shall be authorized by a vote of the city council and upon orders signed by the mayor and countersigned by the city clerk. Each order shall specify the purpose for which it is drawn, the fund out of which it is payable, and the name of the person in whose favor it may be drawn, and shall be made payable to the order of such person.

SEC. 13. When any order on the treasurer shall have been paid it shall not again be issued, but shall be immediately canceled and filed away in his office. The council may provide for the examination from time to time of all canceled orders and for their destruction, preserving such records thereof as it may deem proper.

SEC. 14. No limitation or restriction contained in this charter shall be construed to prohibit the levying of taxes to pay any judgment recovered against said city, but in case any such judgment be recovered the council shall, at the time of making the next annual tax levy after the rendition of such judgment, levy and assess a special tax upon all taxable property in the city sufficient to pay such judgment. Such judgment shall be paid by the city treasurer, upon presentation to him of a certified copy of the docket entry thereof, if he has in his hands sufficient funds not otherwise appropriated, and in case there are not sufficient funds unappropriated to fully pay the same, he shall pay thereon such amount as may be in his hands so unappropriated.

SEC. 15. The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of its members, issue the bonds of said city, bearing interest not exceeding eight (8) per cent per annum, and for a time not exceeding one (1) year, in such amounts and under such regulations as the council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds at any one time outstanding shall not exceed one half ( $\frac{1}{2}$ ) of such taxes and revenues; *And Provided*, that such bonds or the proceeds thereof shall be applied to the same purposes as the taxes and revenues in anticipation whereof they were issued.

SEC. 16. It shall be lawful for the city council to levy each year a corporation poll tax upon every qualified voter of said city not over fifty (50) years of age, and provide by ordinance for the payment and collection of the same; *Provided*, that said tax shall not in any one (1) year exceed the sum of two (2) dollars on each person so assessed and liable therefor.

## CHAPTER VI.

### STREETS, SIDEWALKS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. *City Council to Have Control.*—The city council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets that may have been opened and graded to be kept open and in repair and free from nuisances, and shall have power to build and keep in repair bridges, lay out and open, alter and vacate public squares, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten the same, subject to the assessment of damages provided for in this act.

SEC. 2. *Establishment and Change of Street Grades.*—The city council shall have power and may cause to be established from time to

time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor, or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds within said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk, in a book or books of profiles kept for that purpose, and whenever such grade aforesaid has once been established it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council elect.

SEC. 3. *Sidewalks—How Built and Maintained.*—It is hereby made the duty of all owners of lands adjoining any highway, street, lane or alley in said city to construct, reconstruct and maintain in good order and repair, such sidewalks along the side of the street, lane, alley or highway next to and adjoining the land of such owners respectively, as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council to be built, in such manner and of such material and width and upon such place and grade as the city council may by ordinance or otherwise prescribe.

SEC. 4. *Liability for Insufficient Sidewalks.*—It shall not only be the duty of all owners of land within said city to keep in good order and repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist, along or abutting upon their respective lots or parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe, passable condition, and no action shall be commenced or maintained against the city of New Prague by any person injured through or by means of any defect in any sidewalk unless the owner of the land along which such sidewalk is so defective is joined in said suit as a party defendant; and in case of judgment against the defendant in such action execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if such city shall pay such judgment it shall become the owner of the same and may enforce payment thereof from the other defendant, and shall be entitled to execution therein against him and to take such other proceedings as judgment creditors are entitled to take.

SEC. 5. *Liabilities for Obstructions and Excavations in Streets.*—All persons who shall, by means of any excavations in or obstruction upon any streets of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendant; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until the execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner thereof and may enforce payment of the same from the other defendant or

defendants, and shall be entitled to execution therein against him or them and to take such other proceedings as judgment creditors are entitled to take.

**SEC. 6. *Services upon Absent Defendant.***—Whenever any party is joined with said city as codefendant in any action for the insufficiency of any sidewalk or street, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

**SEC. 7. *Limitation of Actions.***—No action shall be maintained against the city of New Prague on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one (1) year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city clerk thereof, within ninety (90) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason, nor shall any such action be maintained for any defect in any street until the same shall have been graded and open for travel, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built.

**SEC. 8. *Railroad Company Not to Obstruct Streets.***—No railway company nor street railway company shall have any right, in clearing their tracks through any part of said city or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions the city shall have the right to recover the same from the company by whom the obstruction was caused.

**SEC. 9. *No Liability for Insufficiency of Streets—When.***—The acceptance of plats of additions of any grounds or subdivision thereof, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets, until the city council shall direct the same to be graded and open for travel.

**SEC. 10. *Vacating Streets—Exclusive Power of Council.***—The city council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one (1) or more residents and freeholders in said city; such petition shall set forth the facts and reasons for such vacation, accompanied by plat of such public grounds, streets, alleys or highways proposed to be vacated, and it shall be verified by the oath of the petitioners. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice, by publication in the official paper of the city for four (4) weeks, at least once a week, to the effect that such petition

has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The city council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds (2/3) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said order, before the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such order duly certified by the city clerk shall be filed for record and duly recorded in the office of the registers of deeds of the counties of Scott and Le Sueur.

SEC. 11. The city council may, by a vote of two-thirds (2/3) of all its members, lay out, establish and open any new street, alley or public grounds, or straighten, widen or extend any street or alley that now exists, or may be hereafter laid out and established, upon the petition of five (5) or more residents and freeholders of said city. Such petition shall set forth the facts and reasons upon which the action of the city council may be invoked, and shall accurately describe the alteration prayed for, or the new street, alley or ground proposed to be laid out or extended, and if for a new street, alley or ground, shall contain the names of the owners of all lands which shall be affected thereby. Such petition shall be accompanied by a plat of such proposed street, alley or ground, or alteration of an existing street or alley, which plat shall be filed with the city clerk for the inspection of any and all persons interested in or affected by the proposed action of the city council. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice, by publication in the official paper of the city for four (4) consecutive weeks, which notice shall contain a statement that such petition has been filed as aforesaid and stating in brief its object, and that said petition will be heard and considered, together with any and all objection thereto by the city council, on a certain day and place therein to be specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by it for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of parties interested. The city council may thereupon, after hearing the same, or upon the report of such committee, make such order upon such petition as it may deem expedient, and if two-thirds (2/3) of all the members of the city council vote in favor of granting such petition, such order shall declare such street, alley or public ground laid out and established, or extended or altered, as the case may be; otherwise such order shall declare such petition rejected. The order so made by said city council shall be entered at length in the records kept by the city clerk, and a certified copy thereof shall be filed for record in the office of the registers of deeds in and for said counties of Scott and Le Sueur, and shall be published once in the official paper of said city.

SEC. 12. The damages sustained by reason of laying out, widening, altering or vacating any street, alley or public ground may be ascer-

tained by the agreement of the owners of the lands affected and the city council, and unless such agreement is made, or the owners shall in writing release all claims to damages, such damages shall be assessed in the manner hereinafter prescribed, before the order made by the city council, as hereinbefore provided for, shall take effect. In case the city council and the owners claiming damages cannot agree, or in case the owner of any land affected is unknown, the city council shall assess and award damages, and in its assessment and award of damages the city council shall specify the amount of damages assessed and awarded to each owner, giving a brief description of each parcel of land for injury to which damages are awarded. The city council shall assess the damages at what it deems just and right to each individual claimant with whom it cannot agree, and deposit a statement of its assessment and award with the city clerk, who shall note thereon the time of filing the same. The city council, in all cases of assessing damages, shall estimate the advantages and benefits which may be conferred on any claimants, as well as the disadvantages, and award damages accordingly.

SEC. 13. Any person feeling aggrieved by any order or award of damages made by the city council pursuant to the provisions of the three (3) preceding sections, or any of such provisions, may, within twenty (20) days after the publication of any such order or the filing of any such award, appeal therefrom to the district court of said counties of Scott and Le Sueur, by serving upon the mayor of said city, either personally or by copy left at his office or usual place of abode, a notice in writing specifying what portion of the order or action of the city council is appealed from, and the object of such appeal, and, if from an award of damages, the amount of damages claimed by such appellant, and the ground on which such appeal is taken. Such notice, with proof of service thereof, shall be filed with the clerk of said court, and such appeal may be brought on for trial by either said appellant or the city council, and shall be tried and determined as appeals from the actions of town supervisors and county commissioners respecting the location of public highways are tried and determined. If upon such trial the determination of the city council shall be affirmed, the appellant shall pay all costs, otherwise such costs shall be a charge against and be paid by the city, and upon the determination of such appeal, said city council shall act in accordance with such determination, and proceed to carry out the same as if it had originally so determined.

## CHAPTER VII.

### LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The municipal corporation of the city of New Prague is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon such other property to be benefited by such improvements as it may designate, without regard to a cash valuation.

SEC. 2. Such assessments may be made by the city of New Prague for filling, grading, leveling, sprinkling, curbing, walling, planking, constructing bridges upon or otherwise improving any street, lane,



alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane alley, highway or public grounds and for planting shade trees upon or otherwise ornamenting the same, and for procuring grounds for any public building; also, for filling, grading, protecting, ornamenting or otherwise improving any public square, park or ground now or hereafter laid out; also, for constructing, laying, erecting and repairing cross-walks and sidewalks, gutters, sewers, private drains, and the abatement of any and all public nuisances within said city.

SEC. 3. The city council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the costs of such repairs, together with a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed with and preserved by the city clerk. The city council shall, once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots or parcels of land fronting or abutting upon sidewalks which have been repaired by the street commissioner the cost of making such repairs, and the same shall be returned, collected and enforced in the same manner as city taxes.

SEC. 5. The city council may, at any time, for the purpose of anticipating the levy and collection of such assessments and of meeting the demands against the city for such improvements, by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, issue the bonds of said city in such form and amounts, and under such regulations as it may prescribe, for a time not exceeding two (2) years, and bearing interest not exceeding eight (8) per cent per annum, or the city council may issue orders drawn upon the city treasurer therefor, bearing interest not exceeding eight (8) per cent per annum, and the proceeds of such bonds or orders shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued shall stand appropriated and pledged for the payment of the principal and interest of the same.

SEC. 6. The city council may, by ordinance, prescribe the manner of exercising the powers conferred by sections one (1) and two (2) of this chapter (except as herein otherwise provided), and the manner of condemning and acquiring any private property for public parks or grounds, or the erection thereon of public buildings.

## CHAPTER VIII.

### FIRE DEPARTMENT.

SECTION 1. *Power to Establish Fire Limits.*—The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings, the material or construction of which shall be regarded as not

fireproof or as dangerous to surrounding property, shall not hereafter be erected, enlarged, placed or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such manner and of such materials as in the judgment of the city council shall not be dangerous to surrounding property, and to prohibit the repairing or enlarging or rebuilding of wooden buildings within the fire limits without its consent, when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. Any building hereafter erected, enlarged, rebuilt, replaced or repaired, in violation of the provisions of any ordinance passed pursuant to this act, is hereby declared and shall be deemed a public or common nuisance, and the city council, in addition to other penalties, may provide for the abatement of such nuisance. The jurisdiction of the district court of Scott and Le Sueur counties is hereby extended to enjoin and prohibit any threatened or attempted violation of any ordinance passed pursuant to this section, and it shall be deemed adequate ground for the granting of such remedy that any person is about to violate any provision of such ordinance, notwithstanding that a penalty be provided in such ordinance for any such violation thereof.

SEC. 2. *Powers of Council to Prevent Fires.*—The city council shall have the power by resolution to order any building, structure or materials therefor, hereafter erected or in the process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have the power to prescribe the notice to be given to the owner, occupant or agent to remove such building and materials, and in case the same is not removed in pursuance of the notice given, to order the same taken down or removed by the police in such manner as the council may see fit. And the city council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars (\$100), which may be imposed by a city justice upon the complaint of any citizen.

SEC. 3. *Further Powers to Prevent Fires.*—The city council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes into streets and alleys; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire arms and fire works; to compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same; to authorize the mayor, councilors, fire wardens or other officers of the city to keep away all idle or suspected persons and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

**SEC. 4. *Wooden Sidewalks May be Prohibited.***—The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, and to prescribe other material to be used therefor, whenever they deem the safety of the city requires it.

**SEC. 5. *Fire Apparatus and Companies.***—The city council shall have power to purchase fire engines and all other apparatus or material which may be necessary or required for the extinguishment of fires; to erect and maintain fire alarm telegraphs and boxes; to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support, compensation and regulation of the same; and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of such company which may be authorized to be formed shall be exempt from poll tax and from serving on juries during their continuance of such membership, and shall elect their own officers and make their own laws; subject, however, to the approval of the city council.

**SEC. 6. *Chief Engineers and Officers.***—The mayor, with the consent of the city council, shall annually appoint a chief engineer of the fire department of said city to take charge of the same, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define their respective duties and compensation, and make all needful orders and regulations for the government of the whole fire department. The chief engineer may, at any time, by and with the consent of the city council, remove or discharge any such officer or men, as he may deem for the interest of the city.

**SEC. 7. *Penalty for Refusing to Obey Orders at Fires.***—Whenever any person shall refuse to obey any lawful order of any engineer, fire warden or councilor at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, police officer, watchman or any citizen to arrest, such person and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing to obey shall, upon conviction before a city justice, be punished by a fine not exceeding fifty (50) dollars and costs and prosecution, and to be imprisoned until such fine and costs are paid, not exceeding sixty (60) days; *Provided*, that the officers of said city shall be exempt from the provisions of this section.

**SEC. 8. *Fire Marshals and Fire Wardens.***—The city council shall have power to appoint a fire marshal of said city and one (1) fire warden for each ward to see that the ordinances of the city relating to precaution against dangers from fires are not violated, and who shall have power and are hereby authorized to enter any dwelling house at all reasonable hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and to examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced. The city council may require the fire marshal to examine particularly into the cause of every fire which shall happen within the city and make report thereof as the council may require.

## CHAPTER IX.

## POLICE DEPARTMENT.

**SECTION 1.** The police department of the city of New Prague shall consist of the mayor, the chief of police, and such subordinate policemen, watchmen and other officers as may be authorized by the city council and appointed by the mayor. The mayor shall appoint the chief of police, all police officers and watchmen, and all other officers pertaining to each department. The mayor may at any time remove or suspend any officer or member of said department, and no person so suspended shall receive any compensation during the time of such suspension.

**SEC. 2.** The mayor may, at the request of any person, firm, corporation, society or organization, appoint a policeman or watchman who shall serve without expense to the city and have police powers within such limits and at such places as may be designated in such appointment, but such limited policeman or watchman shall not exercise any authority nor wear any badge of office outside the limits named in such appointment.

**SEC. 3.** The mayor may, in case of any mob, riot, pestilence, large public gathering, great public excitement or other emergency, or for days of election, public celebrations or public parades, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue for more than one (1) week without the consent of the city council.

**SEC. 4.** All police officers and watchmen and all members of the police force shall possess and may exercise all the powers of constables at common law or by the laws of this state, and when performing any of the duties of constables shall be entitled to like fees to be taxed and collected in like manner, but the city of New Prague shall not be liable to them for any such fee.

**SEC. 5.** The mayor or acting mayor, chief of police, the sheriffs of Scott and Le Sueur counties and their deputies, the city justices and all police officers and watchmen shall be officers of the peace and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens.

**SEC. 6.** If any bystander or citizen shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section, he shall, upon conviction thereof in any court having jurisdiction, be punished by fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

**SEC. 7.** If any person shall without authority assume to act as a policeman or pretend to have any such power or wear the badge of a policeman within said city, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before a city justice he shall be punished by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

## CHAPTER X.

## CITY JUSTICES AND COURT.

SECTION 1. The justices of the peace for the city, styled city justices, and each of said city justices, shall possess all the authority, power and rights of a justice of the peace for the counties of Scott and Le Sueur under the laws of this state, and in addition thereto shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trials for offenses cognizable before a justice of the peace committed in said city, and all such offenses for violation of any provision of the charter or of any ordinance or by-law, rule or regulation made or adopted by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the city or its charter. In all prosecutions for assaults, batteries and affrays, and for all other offenses cognizable and triable before a justice of the peace (except as herein otherwise provided), and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace, and removals of any cause from either of said city justices to the other, or as provided by the laws of this state, and appeals from the judgment and decision of said city justice, shall be allowed as now provided by law for removal of causes and appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays, and in all cases of convictions under ordinances of the city for breach of the peace, disorderly conduct, keeping house of ill-fame or frequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justice shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 2. The city justices shall, as often as the city council may require, report to the city council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected or received by them belonging to said city.

SEC. 3. In all prosecutions for offenses cognizable and triable before a justice of the peace, committed in said city, said city justices shall be authorized to tax, in addition to all other legal costs, one (1) dollar for trial fee, but said fee shall in no case be collected from said city; and the residence of said city justices, or of any person summoned as a juror for the trial of any action pending before said city justice, in said city, shall not deprive said city justices of jurisdiction, or disqualify such person from serving as such juror in any action brought by or against said city, when said city justice would otherwise have jurisdiction or such person be otherwise qualified to serve as such juror.

SEC. 4. The said city justices shall, upon complaint made, proceed to hear and dispose of in a summary manner, and without intervention of a jury, all suits, prosecutions and proceedings brought before them or either of them for any violation of an ordinance, by-law or regulation of said city.

SEC. 5. All prosecutions for any violation of this act, or for the violation of an ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant upon complaint made as required by law in criminal cases before a justice of the peace; *Provided*, that no warrant shall be required in any case of the arrest of any person made while such person is in the act of violating any law of the state, or any ordinance, by-law or regulation of said city, but in such cases a complaint shall be made after such arrest, which the justice shall reduce to writing, and the party arrested shall be required to plead thereto as to a warrant in other cases, and the person so arrested may be proceeded against in the same manner as if the arrest had been made upon a warrant.

SEC. 6. All process issued by a city justice for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be in the name of the "City of New Prague," and shall be directed to the chief of police or to any police officer of said city.

SEC. 7. Whenever the accused, tried for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be acquitted, he shall be immediately discharged, and if the said city justice shall certify in his docket that the complaint was willful and malicious and without probable cause, he shall enter judgment against the complainant for costs of prosecution, and execution may issue therefor; *Provided*, that in no case shall any such judgment for costs be entered against any officer of said city who as such may make any such complaint.

SEC. 8. Whenever any person shall be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty prescribed for any such violation, he shall be adjudged to pay all costs and disbursements of the prosecution, and in default of payment of such fine and costs and disbursements, shall be imprisoned in the common jail of said counties of Scott and Le Sueur for a period not exceeding three (3) months.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged except the vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen of the city shall so order.

SEC. 3. No person shall be incompetent as judge, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which the city shall be a party in interest.

SEC. 4. When any suit or action shall be commenced against said city, service of the process therein may be made by leaving a copy of such process with the mayor or acting mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof, and take such other proceedings as by ordinance or resolution said city council may have or shall in such case provide.

SEC. 5. No law of the state concerning provisions of this act shall be considered as repealing, amendatory or modifying the same unless said purpose be expressly set forth in said law.

SEC. 6. The chief of police shall collect the corporation or poll tax which may be levied by the city council, and said chief of police shall have and possess all the power created by the laws of this state for the collection of said tax.

SEC. 7. All ordinances, resolutions, regulations and by-laws made and adopted by the village council of the village of New Prague, and now in force in said village, not repealed, suspended, modified or made void by any express provisions of this act, shall continue and remain in force and effect in said city until altered, amended, repealed or suspended by or under the authority of the city council or proper authority in pursuance of this act.

SEC. 8. The city council may from time to time provide for the compilation and publication of the charter and ordinances of the city, and such resolutions and other matter as may be designated.

SEC. 9. All claims and demands against the city shall be itemized and duly verified by the claimant or some person having personal knowledge thereof before the same shall be allowed by the city council.

SEC. 10. All records, files and papers of the city shall be deemed to be public records, and at all reasonable times shall be open to the examination and inspection of all persons, and shall be *prima facie* evidence in all courts of the facts stated therein.

SEC. 11. This charter is hereby declared to be a public act, and all courts shall take judicial notice thereof, and it shall not be necessary to plead or prove the same in any court.

SEC. 12. The city of New Prague shall care for and support the pauper poor residing in said city, but no relief shall be granted to any pauper poor person, nor shall the city be liable to pay for or chargeable with the support of, or for any relief to, or for medical or surgical attendance upon, or for medicines prescribed or furnished to any such pauper poor person, unless ordered or contracted for by the proper authorities, and in the manner hereinafter provided. Whenever the mayor or acting mayor of said city shall be petitioned by three (3) or more resident freeholders of said city to grant public support or medical or surgical aid to any person, he shall immediately investigate the matter of such application, and if satisfied that such person is in need of such support or aid, and has a legal settlement in and is a legal charge upon said city, he shall grant such temporary relief to such person as the exigencies of the case may require, until the next meeting of the city council, at which time he shall lay such application, together with such information as he may deem pertinent thereto, before said city council. If said city council shall be satisfied that such person is a proper subject for relief from said city, it shall direct the time and manner in which such relief shall be furnished and the extent thereof.

SEC. 13. For the purposes of the first election under this act, the village council of the village of New Prague shall perform and discharge all duties respecting the designation of places of holding elections, the appointment of judges and clerks of election, the conduct of election, and the canvassing, determining and declaring the result of such election imposed by this charter upon the city council of said city, and in case said election cannot be called and held, pursuant to the provisions of this act, at the time and in the manner by this act provided, then such election shall be called and held at such time as such village council of said village of New Prague may appoint, and within ten (10) days after this act shall take effect, upon at least five (5) days' notice to be given by said village council, by posting in three (3) public places in each of the wards of said city.

SEC. 14. Whenever in the exercise of any of the powers conferred by this act upon the city council it becomes necessary or convenient for said city council to take and appropriate private property, said city council shall have power to, and shall, by ordinance, prescribe the manner in which said private property shall be condemned, and appropriated to such public use, and the manner of ascertaining and determining the damage and compensation therefor and making award thereof.

SEC. 15. The city council may, whenever deemed necessary or expedient, cause to be made, at the expense of the city, repairs upon any public highway leading into said city, beyond the limits of said city.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved April 4, 1891.

## CHAPTER 47.

[H. F. No. 911.]

AN ACT TO AMEND CHAPTER EIGHT (8) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY SEVEN (1887), ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF MANKATO, STATE OF MINNESOTA," AS AMENDED BY CHAPTER TWELVE (12) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MANKATO IN THE STATE OF MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter eight (8) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), being an act to amend and consolidate the charter of the city of Mankato, state of Minnesota, as amended by Chapter twelve (12) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-nine (1889), being "An act entitled an act to amend the charter of the city of Mankato in the state of Minnesota," is hereby amended to read as follows:



## CHAPTER I.

## CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the county of Blue Earth, State of Minnesota, contained within the subdivisions and boundaries hereinafter described, shall be a city by the name of Mankato, and the people now inhabiting and those who shall hereafter inhabit within the district or county hereinafter described shall be a municipal corporation by the name of the "City of Mankato," and by that name shall sue and be sued, and be impleaded in any court, and make and use a common seal and alter it at pleasure, and take, hold and purchase, lease and convey any and all such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers possessed by a municipal corporation at common law; and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The subdivisions of land included in and constituting the city of Mankato shall be as follows, to-wit: Lot one (1) and the south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section six (6), lots one (1), two (2), three (3) and four (4), and the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ), and the east half ( $\frac{1}{2}$ ) of the east half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ), and the east half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section seven (7), and the southwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ), and the west half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section eight (8), and the west half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section seventeen (17), and the northeast quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ), and the west half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ), and the northeast quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ), and the north half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section eighteen (18), and the west one-fourth ( $\frac{1}{4}$ ) of the west one-half ( $\frac{1}{2}$ ) of the east one-half ( $\frac{1}{2}$ ) of section seventeen (17), and also the west one-fourth ( $\frac{1}{4}$ ) of the west one-half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section eight (8), all in township one hundred and eight (108), in range twenty-six (26) west of the principal meridian. Also, lot two (2) in section thirteen (13) and lot fourteen (14) in section fourteen (14) in township one hundred and eight (108), range twenty-seven (27). Also, all of the territory and land in the county of Blue Earth and the state of Minnesota, embraced within the following boundaries, to-wit: Commencing at a point on the town line in the centre of the Minnesota river where the north line of town one hundred and eight (108), range twenty-seven (27), crosses said river, opposite the northwest corner of government lot five (5), in section one (1), town one hundred and eight (108), range twenty-seven (27); thence east along town line between town one hundred and eight (108) and one hundred and nine (109) to the northeast corner of section six (6), town one hundred and eight (108), range twenty-six (26); thence south along the east line of said section six (6) to the northwest corner of the southwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section five (5), town one hundred and eight (108), range twenty-six (26); thence east to the northeast corner of the southeast quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of said section five (5); thence south along the quarter line through sections five (5),

eight (8) and seventeen (17), to the southeast corner of the southwest quarter ( $\frac{1}{4}$ ) of section seventeen (17); thence west along the south line of section seventeen (17) and eighteen (18), in town one hundred and eight (108), range twenty-six (26), to the northeast corner of the northwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section nineteen (19), town one hundred and eight (108), range twenty-six (26); thence south to the northeast corner of the southwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of said section nineteen (19); thence west to the northwest corner of the southwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of said section nineteen (19); thence north along section line between section nineteen (19), town one hundred and eight (108), range twenty-six (26), and section twenty-four (24), town one hundred and eight (108), range twenty-seven (27), to the southeast corner of the northeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section twenty-four (24), town one hundred and eight (108), range twenty-seven (27); thence west to the centre of the Blue Earth river opposite the southwest corner of government lot eight (8) in section twenty-three (23), town one hundred and eight (108), range twenty-seven (27); thence in a general northerly direction along the centre of the Blue Earth river to its junction with the Minnesota river; thence along the centre of the Minnesota river in a general northeasterly direction to the place of beginning. Also, the west one-fourth ( $\frac{1}{4}$ ) of the west one-half ( $\frac{1}{2}$ ) of the east one-half ( $\frac{1}{2}$ ) of section seventeen (17); and also the west one-fourth ( $\frac{1}{4}$ ) of the west one-half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section eight (8) in township one hundred and eight (108) north of the base line and in range twenty-six (26) west of principal meridian. Also, lots three (3), four (4) and five (5) and the south half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) and the south half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ), and the southwest quarter ( $\frac{1}{4}$ ) and the southeast quarter ( $\frac{1}{4}$ ) of section thirteen (13), lots eleven (11), twelve (12) and thirteen (13) of section fourteen (14) in township one hundred and eight (108) north of range twenty seven (27) west. All in said Blue Earth county.

SEC. 3. The said city of Mankato shall be divided into six (6) wards, to be called the first (1st), second (2d), third (3d), fourth (4th), fifth (5th) and sixth (6th) wards, and shall be limited, bounded and described as follows, to-wit: All that portion of the city of Mankato commencing on the east bank of Minnesota river, in the centre of Plum street, thence along the centre of Plum street to the centre of Sixth (6th) street, thence southerly along the centre of Sixth (6th) street to the centre of Marsh street, thence along the centre of Marsh street to the end of said street, and thence to the city limits in a direct line with said Marsh street, thence north along the east line of the city limits to Rhine street, thence westerly along the centre of Rhine street to the centre of Sixth (6th) street, thence southerly along the centre of Sixth (6th) street to the centre of Vine street, thence along Vine street to the east bank of the Minnesota river, thence up the east bank of the river to place of beginning, shall constitute the second (2d) ward of the city of Mankato.

All that portion of the city of Mankato lying northerly of said second (2d) ward, shall constitute the first (1st) ward of the city of Mankato.

All that portion of the city of Mankato lying between the southerly line of the second (2d) ward and a line commencing at a point on the east bank of the Minnesota river opposite the end of Hickory street, thence

running easterly along the centre of Hickory street to the centre of Hanover street, thence along the centre of Hanover street to the centre of Pearl street, thence along the centre of Pearl street to the centre of Hannah street, thence along the centre of Hannah street to the centre of Main street, thence easterly along the centre of Main street to the city limits, shall constitute the third (3d) ward of the city of Mankato.

All that portion of the city of Mankato lying southerly of the last described line and between said line and one commencing at a point in the center of "D" street, in Cumming's addition to the city of Mankato, where said "D" street intersects the Minnesota river, thence south along said "D" street to the south line of said addition, thence east along the south line of said addition to the township line between township one hundred and six (106) and one hundred and seven (107), thence south on said township line to the centre of Front street, thence northerly along the centre line of Front street to the centre of Liberty street, thence along the centre of Liberty street to the centre of Fourth (4th) street, thence northerly along the centre of Fourth (4th) street to the centre of Warren street, thence along the centre of Warren street to the centre of Fifth (5th) street, thence along the centre of the Bunker Hill road to the city limits, shall constitute the fourth (4th) ward of the city of Mankato.

All that portion of the city of Mankato lying south and west of the last described line and between said line and a line commencing on the south line of Cumming's addition to said city at the centre of "D" street, where said street intersects said south line, parallel to said "D" street, then south to the centre of Front street, thence westerly along the centre of said Front street to a point forty (40) rods east of the east line of the west half ( $\frac{1}{2}$ ) of section thirteen (13) in township one hundred and eight (108), range twenty-seven (27) west, thence south and parallel to the said east line till it intersects the north line of the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of said section thirteen (13), thence east along said north line about forty (40) rods to the northeast corner of said southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of said section thirteen (13), thence south on government subdivision line to the city limits, shall constitute the fifth (5th) ward of the city of Mankato.

All that portion of the city of Mankato lying west of the last described line and west of the centre line of "D" street shall constitute the Sixth (6th) ward of the city of Mankato.

## CHAPTER II.

### ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. There shall be an election for electing such officers as are herein or otherwise by law made elective, on the first (1st) Tuesday in April, eighteen hundred and ninety-one (1891), and every two (2) years thereafter. Such election shall be held on the first (1st) Tuesday in April at such place or places in each ward or election precinct as the common council of said city shall designate, which election shall be held in conformity with the general election laws of the state, except as hereinafter provided.

SEC. 2. The elective officers of said city shall be a mayor, a municipal judge, a special judge, treasurer and recorder, all of which officers shall be residents and qualified voters of said city. Each ward shall elect one (1) alderman who shall be a resident within and a qualified voter of the ward for which he is elected and shall hold his office for the period of two (2) years and until his successor is elected and qualified; *Provided, however*, all other officers necessary for the proper management of the affairs of the city, unless otherwise provided, shall be chosen by the common council. The mayor, municipal judge, special judge, treasurer and recorder shall be elected for two (2) years and until their successors are elected and qualified.

SEC. 3. The term of every officer elected or appointed under this law shall commence on the second (2d) Tuesday of April of the year for which he was elected, and shall, unless otherwise provided, continue for two (2) years and until his successor is elected and qualified; *Provided, however*, that the judges of election and the places of holding election named in and designated by resolution of the common council duly passed March second (2d), eighteen hundred and ninety-one (1891), appointing judges and designating places of holding election for the regular city election of eighteen hundred and ninety-one (1891), shall act and the places of holding election herein designated shall be the legal voting places for the year eighteen hundred and ninety-one (1891), and said resolution shall be sufficient, and the acts and doing of said judges shall have the same legal effect as though the ward boundaries of said city had not been changed.

SEC. 4. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds ( $\frac{2}{3}$ ) of all aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 5. Whenever a vacancy shall occur in the office of mayor or any other elective office of said city by death, removal or resignation, or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. All such vacancies shall be filled by appointment by the common council.

SEC. 6. The person appointed to fill a vacancy shall hold his office and discharge the duties thereof until the next regular election for electing city officers and until his successor is elected and qualified. A plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common council at such time and in such manner as they shall direct.

SEC. 7. All persons entitled to vote for state or county officers, and who reside in the ward or election precinct where they offer to vote, shall be entitled to vote for any officer to be elected under this law and

running easterly along the centre of Hickory street to the centre of Hanover street, thence along the centre of Hanover street to the centre of Pearl street, thence along the centre of Pearl street to the centre of Hannah street, thence along the centre of Hannah street to the centre of Main street, thence easterly along the centre of Main street to the city limits, shall constitute the third (3d) ward of the city of Mankato.

All that portion of the city of Mankato lying southerly of the last described line and between said line and one commencing at a point in the center of "D" street, in Cumming's addition to the city of Mankato, where said "D" street intersects the Minnesota river, thence south along said "D" street to the south line of said addition, thence east along the south line of said addition to the township line between township one hundred and six (106) and one hundred and seven (107), thence south on said township line to the centre of Front street, thence northerly along the centre line of Front street to the centre of Liberty street, thence along the centre of Liberty street to the centre of Fourth (4th) street, thence northerly along the centre of Fourth (4th) street to the centre of Warren street, thence along the centre of Warren street to the centre of Fifth (5th) street, thence along the centre of the Bunker Hill road to the city limits, shall constitute the fourth (4th) ward of the city of Mankato.

All that portion of the city of Mankato lying south and west of the last described line and between said line and a line commencing on the south line of Cumming's addition to said city at the centre of "D" street, where said street intersects said south line, parallel to said "D" street, then south to the centre of Front street, thence westerly along the centre of said Front street to a point forty (40) rods east of the east line of the west half ( $\frac{1}{2}$ ) of section thirteen (13) in township one hundred and eight (108), range twenty-seven (27) west, thence south and parallel to the said east line till it intersects the north line of the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of said section thirteen (13), thence east along said north line about forty (40) rods to the northeast corner of said southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of said section thirteen (13), thence south on government subdivision line to the city limits, shall constitute the fifth (5th) ward of the city of Mankato.

All that portion of the city of Mankato lying west of the last described line and west of the centre line of "D" street shall constitute the Sixth (6th) ward of the city of Mankato.

## CHAPTER II.

### ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. There shall be an election for electing such officers as are herein or otherwise by law made elective, on the first (1st) Tuesday in April, eighteen hundred and ninety-one (1891), and every two (2) years thereafter. Such election shall be held on the first (1st) Tuesday in April at such place or places in each ward or election precinct as the common council of said city shall designate, which election shall be held in conformity with the general election laws of the state, except as hereinafter provided.

SEC. 2. The elective officers of said city shall be a mayor, a municipal judge, a special judge, treasurer and recorder, all of which officers shall be residents and qualified voters of said city. Each ward shall elect one (1) alderman who shall be a resident within and a qualified voter of the ward for which he is elected and shall hold his office for the period of two (2) years and until his successor is elected and qualified; *Provided, however*, all other officers necessary for the proper management of the affairs of the city, unless otherwise provided, shall be chosen by the common council. The mayor, municipal judge, special judge, treasurer and recorder shall be elected for two (2) years and until their successors are elected and qualified.

SEC. 3. The term of every officer elected or appointed under this law shall commence on the second (2d) Tuesday of April of the year for which he was elected, and shall, unless otherwise provided, continue for two (2) years and until his successor is elected and qualified; *Provided, however*, that the judges of election and the places of holding election named in and designated by resolution of the common council duly passed March second (2d), eighteen hundred and ninety-one (1891), appointing judges and designating places of holding election for the regular city election of eighteen hundred and ninety-one (1891), shall act and the places of holding election herein designated shall be the legal voting places for the year eighteen hundred and ninety-one (1891), and said resolution shall be sufficient, and the acts and doing of said judges shall have the same legal effect as though the ward boundaries of said city had not been changed.

SEC. 4. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds ( $\frac{2}{3}$ ) of all aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 5. Whenever a vacancy shall occur in the office of mayor or any other elective office of said city by death, removal or resignation, or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. All such vacancies shall be filled by appointment by the common council.

SEC. 6. The person appointed to fill a vacancy shall hold his office and discharge the duties thereof until the next regular election for electing city officers and until his successor is elected and qualified. A plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common council at such time and in such manner as they shall direct.

SEC. 7. All persons entitled to vote for state or county officers, and who reside in the ward or election precinct where they offer to vote, shall be entitled to vote for any officer to be elected under this law and

to hold any office hereby created, provided their names shall have been duly inserted in the list of qualified electors of the ward or election precinct in which they reside, as in the election of state and county officers; and the different wards established by law or such election precincts as may hereafter be established by the common council shall constitute election districts for state and county, as well as city elections, and the mode of conducting all state and county elections in said city shall be in the manner herein provided in the city elections, except that the returns thereof shall be made by the judges of election to the auditor of the county of Blue Earth within the time provided by law.

SEC. 8. The judges of election in each election precinct shall meet to correct the poll list in the same manner and at the times and places provided for state and county elections, and shall act in accordance with and be governed in all things by the laws of the state relating to elections.

SEC. 9. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges, unless their duties are modified by the appointment of auditing boards, shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver and shall cause to be delivered such returns to the city recorder within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The recorder shall forthwith notify the officer or officers elected of their election, by written notice served upon such officers in person, or left at his usual place of abode with some person of suitable age and discretion.

SEC. 10. Special elections for any purpose shall be held and conducted in the same manner, and the returns thereof made in the same form and manner, as in general and biennial elections, and within such time as may be prescribed by resolution, excepting as the duties of the judges of election may be modified or changed by the appointment of auditing boards as hereinafter provided.

SEC. 11. Any officers moving from the city or ward for which he is elected, or any officer who shall refuse or neglect, for ten (10) days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days' notice of the time and place being given, in the same manner as provided herein for general elections.

SEC. 13. Whenever an election precinct in said city is found by the number of votes cast at any election to contain more than four hundred (400) voters, the common council shall cause such election precinct or district, at least six (6) weeks before the next ensuing general election, to be divided into two (2) or more districts, each containing as nearly as may be an equal number of voters, as provided in the general election laws of the state. When every ward shall be divided into two (2) or more districts, or whenever a precinct shall be subdivided as above provided, the common council shall cause the same to be published by making a map or description of such division, defining it by known

boundaries and keeping such map or description open for public inspection in the office of the recorder of said city, and also by posting up copies of such map or description in at least ten (10) of the most public places in each election precinct, and the common council shall also, prior to the next election, furnish copies of such map or description to the judges of election in each election precinct.

SEC. 14. The common council may, at their discretion, by ordinances passed by said council, require and provide for an auditing board to act in connection with the judges of election in any one (1) or more wards or election precincts of this city at any general or special election to be held therein. The number of such board, the manner of their appointment and all their duties, and all the qualifications of such board, and all other matters and things necessary to fully equip, authorize and empower such auditing board to enter upon and perform all the duties that may be assigned them, shall be provided for in such ordinance, and in order to render such appointment effective the common council may, by such ordinance, add to the duties of judges of election as fixed by this act, or as provided by the general election laws of the state, in such wards or election precincts as such auditing boards are, by ordinance, provided for by virtue hereof; *Provided*, that all members of such auditing board shall be qualified electors of the ward in which they are called upon to act, whether it be in connection with the judges of election at any election precinct in such ward or not. The common council may, by resolution or otherwise, provide for such compensation to be paid the members of such auditing board as said council may see fit.

### CHAPTER III.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city recorder; and the treasurer, recorder and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Mankato a bond with at least two (2) sureties satisfactory to the common council; and such bond shall contain such penal sum and such conditions as the common council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to execute the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers not to exceed three (3) day police, including the chief of police, and watchmen not to exceed four (4), by and with the consent of the common council, and in case of riot or other disturbances, he may provide as many special or temporary constables as he may deem necessary, without the consent of the common council; any police officer or watchman



appointed by the mayor, as aforesaid, may be discharged from office by him whenever, in his opinion, the welfare of the city may demand it or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto, by depositing the same with the recorder to be presented to the common council at their next regular meeting thereafter; and upon the return of any ordinance or resolution by the mayor, by the same vote by which the same was passed, said ordinance or resolution shall be reconsidered, and if after such reconsideration the council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of said council it shall have the same effect as if approved by the mayor. And in such case the vote shall be by ayes and noes, which shall be entered in the record of the recorder. If any ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted) exclusive of the first (1st) day after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. The mayor shall have a salary of two hundred dollars (\$200) per year and shall be president of the common council, but shall not hold any other office under the authority of the city. The mayor shall have no vote at any meeting of the common council, excepting in case of a tie, at which time it shall be his duty to vote upon the question before the council upon which a tie vote is had. His duty as presiding officer shall be confined during all meetings of the common council to the enforcement of such parliamentary usages as the common council may adopt. While acting as such presiding officer he shall not be allowed to participate in any general debate at any meeting of said common council upon questions belonging exclusively to such common council to act upon and determine, unless by consent of said common council by a majority vote of those present. All contracts and appropriations shall, before they take effect, be presented to the mayor, and if he approves thereof he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto, and the same proceeding shall be had thereto as provided in section two (2) of this chapter in relation to ordinances and resolutions. The mayor shall sign all orders drawn upon the treasurer. At the first (1st) meeting of the common council in each year they shall proceed to select by ballot from their members a vice president, and in the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of the mayor. The vice president of the common council while performing the duties of mayor shall be styled the acting mayor, and acts performed by him while acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor. In case the mayor shall be absent from any meeting of the common council, the vice president shall act as presiding officer for the time being and discharge the duties of said mayor.

In case of the absence of the mayor and vice president from any meeting of the common council or the inability of both of them to act, the members thereof may elect one of their members present to preside at such meeting, and the acts of such member so presiding shall

have the same force and effect as the acts of the mayor, at all times during the inability of the mayor or vice president to act.

The mayor shall have authority to revoke and cancel for cause any license issued by the common council, by serving a written notice upon the person holding the same that such license is revoked and canceled, and the same shall thereafter be null and void, and he shall notify the common council at their next regular meeting thereafter of the cause of revoking and canceling said license.

The common council may, at any regular meeting, reinstate such license so revoked by a two-thirds ( $\frac{2}{3}$ ) vote of the members, and thereafter the same shall be valid until revoked and canceled again; *Provided*, said common council shall hear any person whose license has been thus revoked at such time and place as they shall see fit, upon an application to said common council for reinstatement of such license by the party deprived of the same as aforesaid, which application shall be in writing and filed with the city recorder within five (5) days exclusive of the first (1st) after the time of the revoking of such license.

**SEC. 4. City Recorder.**—There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations and acknowledge all papers. It shall be the duty of the city recorder to report to the common council the financial condition of the city whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually on or about the first (1st) day of April to the common council an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year. The fiscal year shall commence on the first (1st) day of April. He shall countersign all the contracts made in behalf of the city.

The city recorder shall keep regular books of accounts, in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the city, including the amount of bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of the same outstanding.

He shall countersign all bonds or other evidences of indebtedness of the city and keep accurate accounts thereof, stating to whom and for what purposes issued and the amount thereof. He shall keep accounts with all receiving and disbursing officers, showing the amounts they have received from different sources of revenue and the amount they have disbursed under the directions of the common council.

If before the first (1st) day of January in each year the amount expended or the amount to be expended, chargeable to any city fund, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund), shall be equal to three-fourths ( $\frac{3}{4}$ ) of the tax authorized to be raised or revenue estimated from such fund, he shall report at once the same to the common council, and he shall not sign any contract chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year, he shall not sign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable; *Provided*, nothing herein stated shall prevent the common council from borrowing from one fund to aid and help out another fund at such times as in their judgment the public necessities shall require.

The recorder shall examine all the reports, books, papers, vouchers and the accounts of the city treasurer, and from time to time shall perform such duties as the common council may direct.

All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder, and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such record shall be open to the inspection of all parties interested. He shall make a full and complete report of the finances and conditions of the city, which shall be kept on file, and a copy thereof he shall cause to be published in the official paper of the city at least fifteen (15) days prior to the annual election.

The city recorder shall perform all other services by law required of clerks of cities or townships within said city, but when such services are required of him by public law, for which compensation is made from the state or county treasury or individuals, such services shall not be regarded as services for said city, and he may retain such compensation, in addition to his regular salary, and shall keep an accurate account of fees so received and report the amount of the same to the common council at the close of each official year.

In addition to all other duties herein enumerated to be by the city recorder performed, he shall at the first (1st) regular meeting of the common council in the month of January, and the first (1st) regular meeting thereof in the month of June of each year, make an itemized report to the common council of all the funds received by the city during the preceding six (6) months, from fees or costs taxed and collected in the municipal court, which report shall contain a statement of the title of each action, civil or criminal, commenced therein, the amount collected in each action, by whom paid, and the amount turned over to the city treasurer in each case. He shall also make a report, at the same time at which the above report shall be made, of the amounts received from dog licenses, giving the amount paid for each license, by whom and when paid and the amount in each case paid over to the city treasurer. Also at said times in each year he shall report to the common council the amounts received by the city from licenses granted to auctioneers, circuses, shows, peddlers and all other amounts received from any source whatsoever, all of which report shall be itemized and after having been presented and adopted by the common council, shall be once published in the official paper of the city.

**SEC. 5. *City Attorney.***—The city attorney shall perform all professional services incident to his office, and when required shall furnish opinions upon any subject submitted to him by the common council or its committees. He shall also advise with and counsel all city officers in respect to their official duties, and attend the meetings of the common council, and of such committees as shall request his assistance, and his salary shall be fixed by the common council, but the same shall not exceed the sum of six hundred (\$600) dollars per annum.

**SEC. 6. *City Treasurer.***—The treasurer shall receive all the moneys belonging to the city, including license money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least twenty (20) days before the annual election, or sooner if required by it, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the city recorder.

He shall also report to the common council at such times and such manner as they may require, and he shall give such bonds for the safe keeping of the funds of the city as the common council may require, and shall receive such salary as the common council may fix, not exceeding five hundred dollars (\$500) per annum, and no other fees or compensation whatever. Said treasurer may appoint a deputy, who may perform all the duties required of his principal, but shall receive no extra compensation for his services.

**SEC. 7. *Chief of Police.***—There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and shall receive for his services such compensation as the common council shall fix, not exceeding six hundred dollars (\$600) per annum; *Provided, however,* said chief of police may, in addition to his other duties, if required, serve all writs, warrants and processes of whatsoever kind issued by the municipal court of said city, and as compensation therefor shall receive the regular fees as provided by law in such cases, and shall receive also the regular fees for all arrests personally made by him, in addition to the sum of six hundred dollars (\$600) above named. All police of said city shall possess the power of constables at common law, or by the laws of the state, and it shall be their duty to execute and serve all warrants, processes, commitments and all writs and warrants whatsoever issued by the municipal court of said city, for any violation of the laws of the state of Minnesota or of the ordinances or by-laws of said city; and also to serve all writs and processes whatsoever issued by the municipal court of said city in civil actions, unless forbidden by the common council; *Provided,* said common council shall have no power nor authority to forbid the chief of police from serving warrants and processes as above set forth; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of the state, and for these purposes shall have the power of constable at common law while on duty; *Provided,* that each police, before he enters on the duties of his office, shall take and subscribe to the oath of office prescribed by law for constables, and in addition thereto shall execute a bond to the mayor

of said city in such penal sum as the common council shall direct, with one or more sureties to be approved by the mayor, conditioned for the faithful discharge of his duties as such constable, and further conditioned to pay over to the party entitled thereto any money that shall come into his hands by virtue of his power and authority as such constable, which bond shall be filed with the city recorder. No policeman (excepting the chief of police) shall be authorized to perform the duties of constable at common law when forbidden by the common council. Under the supervision of the chief of police the day police shall, in addition to their other duties herein enumerated, perform the janitor work at the city hall in said city. Day police, excepting the chief, shall receive from the city for all their services as above set forth, a sum not to exceed forty-five dollars (\$45) per month.

**SEC. 8. Assessor.**—The common council shall, in the month of April every two (2) years, elect an assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, county and state taxes, and upon the completion of the assessment roll he shall return the same to the city recorder. In all respects not herein expressly provided for, said assessor shall, in making such assessments, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the state for the government of assessors.

Immediately after the assessment roll shall have been returned to the city recorder, as aforesaid, it shall be the duty of the common council to meet as a board of review and designate a time and place when they will meet as such board of review for the purpose of performing the duties hereinafter assigned them. Not later than the fourth (4th) Monday in June each year, they, as such board, shall proceed to examine and see that all taxable property in the city of Mankato has been properly placed on the list and duly valued by the assessor.

A majority of such board present shall constitute a quorum for doing business. The same notice of such meeting of such board shall be given by the recorder and the board of review shall be governed by the same rules and regulations in the performance of their duties as is or shall be prescribed in the general statutes and laws of this state for town boards of review.

The assessor shall, after such review of said assessment, and not later than upon the second (2d) Monday of July in each year, make out a tabular statement of all the assessments of property in said city made by him as directed by said board, and return the same to the county auditor of Blue Earth county, the same having been verified by said assessor, as provided in the general laws of the state for town assessors. The assessor shall hold his office for two (2) years, or until his successor is elected and qualified. The assessor may also, whenever he shall deem it necessary, appoint a deputy assessor to aid in making the city assessment; which deputy shall act under direction of the assessor, and shall report to him all his doings as such deputy, and be responsible to such assessor for all his acts, but shall receive no compensation from the city for said service.

**SEC. 9. City Printing.**—The common council, at their first (1st) regular meeting after each biennial election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public no-

tice of not less than one (1) week, in such manner as the council may direct, that sealed bids will be received by the city recorder for doing said printing. The bid or bids received by said recorder to do said printing shall be publicly opened and read by the recorder at such time and place as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper of common circulation published in said city shall be declared the public printer;

*Provided, however,* that if the common council shall deem it best for the interest of the city to select a person who is not the lowest bidder, they may elect such person public printer, and he shall be declared the public printer for the ensuing one (1) year; and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the said city to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time or dates at which the same has been published, and such affidavit shall be a *prima facie* evidence of a publication of such notice, ordinance or resolution; *Provided*, that if no person will publish or offer to publish in any newspaper published in said city such ordinances or other matters as common council may require to be published, at a rate not exceeding that now prescribed by statutes for legal advertisements or notices, the common council may make such provisions for publishing its ordinances, by-laws and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding; *And provided further*, that no paper shall be designated as the official paper unless the same be printed and published in the English language.

SEC. 10. If any person, having been an officer of said city, shall not, within one (1) week after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay for the use of the city one thousand dollars (\$1,000), besides the damages caused by his neglect or his refusal so to deliver, and said successor may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

SEC. 11. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers, excepting as herein provided, as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than two (2) years, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution, except the city recorder, who shall receive the sum of five hundred dollars (\$500) per annum, which shall be in full for all his

services, including that of clerk of the common council and all duties imposed upon him in behalf of the said city, excepting as provided in the municipal court act for the city of Mankato, and as hereinafter provided, and shall be paid monthly at the termination of each month; and excepting the city assessor, whose compensation shall be fixed as hereinafter provided. Unless otherwise provided for in this act, salaries shall be fixed by the common council at the second regular meeting thereof in the month of April, after each biennial election, except for such offices as may hereafter be created, in regard to which compensation shall be fixed at the time of the creation of such office; nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office; *Provided*, that each alderman shall receive compensation for his services as such officer the sum of two dollars (\$2) for each meeting of said common council during his term of office, whether such meeting be regular or special, at which such alderman is in actual attendance thereon.

SEC. 12. *Peace Officers*.—The mayor, or acting mayor, and sheriff of the county of Blue Earth, or his deputy or deputies, coroner, and each alderman, judge of the municipal court, police officers, and watchmen, shall be peace officers, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders, and if need be all the citizens and military companies in said city; and if any bystander, military officer or private shall refuse so to aid in maintaining the peace when so required, each person so refusing shall forfeit and pay a fine of fifty (\$50) dollars in case of the prosecution for such offense, and in default of such payment he shall be committed to the common jail not to exceed sixty (60) days. In case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct proceedings.

SEC. 13. *Health Officer*.—The mayor shall, by and with the consent of the common council, appoint a health officer, who shall be a physician of regular practice in said city, in good standing in his profession and a graduate of some college of medicine.

It shall be the duty of the health officer to make a regular inspection of the city as to the matters affecting the health of the citizens. He shall make reports to the state board of health of such facts as may be required by said board.

He shall be *ex-officio* president and executive officer of the board of health established by said city, and perform all duties required of him by any ordinance of this city.

SEC. 14. *Health Inspection*.—The mayor shall, by and with the consent of the common council, appoint three (3) health inspectors for said city, who shall have the same authority as police officers in enforcing the ordinances of said city designed to protect the public health, and they, together with the health officer, shall constitute the board of health of said city.

SEC. 15. *Deputy Recorder*.—The common council shall, whenever it is deemed necessary, have the power to appoint a deputy recorder

upon the nomination of the recorder, at such time and for such period as it may see fit, who shall have authority, in the absence of the recorder, to transact all business that the recorder is authorized to transact, and may administer oaths and take acknowledgments and affix the corporate seal to all the papers and documents which, under the law, shall require said seal, and all acts of said deputy shall have the same validity as those of the recorder, but such deputy recorder shall receive no compensation for his services from the city.

SEC. 16. The special judge shall act in place of the municipal judge when said municipal judge shall for any cause be disabled or unable to perform the duties of his office, and the acts and doings of said special judge while so acting shall be valid, and in all respects binding.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The aldermen shall constitute the common council of the city, and the style of all ordinances shall be: "The common council of the city of Mankato do ordain," etc.

The common council shall meet at such time and place as they, by resolution, may direct. A majority of the aldermen chosen shall constitute a quorum for doing business.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualifications of its own members, and in such cases shall have the power to send for persons and papers, and shall also determine the rules of its own proceedings and have power to compel the attendance of absent members.

SEC. 3. The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulation for the suppression of vice and intemperance and for the prevention of crime as they shall deem expedient. They shall have power to establish and maintain a city prison; *Provided*, that until otherwise ordered by the common council, the county jail of Blue Earth county shall be used as a city prison; and it shall be the duty of the sheriff or jailer of Blue Earth county to take in custody and safely keep in said jail all persons committed thereto, until discharged according to law.

The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have, by ordinance, resolution or by-laws, the exclusive right to license and



regulate hawkers and peddlers, and also public halls and all other buildings and inclosures used for places of public resort and amusement, and also that class of stores known as "dollar stores," and all stores of similar character and purposes, and to license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard, pool tables, nine or ten pin alleys, bowling saloons; to grant licenses to and regulate auctions and auctioneers; to license tavern keepers and victualing house keepers, and all persons dealing in spirituous, vinous or fermented liquors and to designate the places and conditions upon which all such liquors may be sold; *Provided*, that all licenses for so dealing in spirituous, vinous or fermented liquors shall not be less than the minimum sum allowed by the laws of the state, and no license shall be granted for a less term than one (1) year, and all licenses shall commence and terminate on the first (1st) day of May of each year.

*Second*—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

*Third*—To prevent any riots, disorderly assemblages in said city, and to provide for the arrest of and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

*Fourth*—To compel the owner or owners of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

*Fifth*—To regulate or prohibit the slaughter of animals within said city, or the location or operating of soap or candle factories therein; to direct the location and management of markets, breweries and distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and transportation or removal of gunpowder or other combustible materials.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes or other public grounds with carriage, carts, wagons, sleighs, or other vehicles, or with boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

*Seventh*—To prevent and punish dangerous and immoderate driving and riding in the streets; to regulate the speed of cars and locomotives in said city and to prevent their obstructing the streets of said city; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

*Eighth*—To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinance.

*Ninth*—To tax and license dogs; to regulate or prohibit dogs running at large; to impose a penalty upon the owners and keepers of dogs who allow them to be at large in violation of ordinance, and to authorize the impounding or summary killing of dogs found running at large, whether such dogs have been taxed or not.

*Tenth*—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises, any such substance, or any putrid or unsound meat, flesh, or hides or skins of any kind and to authorize the removal of the same at the expense of the owner.

*Eleventh*—To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps and to provide for the lighting the city, and to control the erection of gas works or other works for lighting the city streets, public grounds and public buildings, and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth*—To establish and regulate boards of health, provide hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery for said city, to improve and ornament the same and make all regulations necessary for the government thereof.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Fourteenth*—To prevent all persons riding or driving any horse, mule or ox, or other animal, on the sidewalks in said city, or in any way doing any damage to said sidewalks.

*Fifteenth*—To prevent the discharging of firearms or crackers, and to prevent the exhibition of any fireworks in any locality which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

*Sixteenth*—To prevent open and notorious drunkenness, brawling and obscenity in the street or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same; *Provided*, all theatres, saloons, public halls, and all other places to which the public are invited for purposes of business, pleasure, or any other purposes, are, in addition to all other public places, to be considered public places within the meaning of this act.

*Seventeenth*—To restrain and regulate runners, agents and solicitors for boats, vessels, stages, cars, and public houses or other establishments.

*Eighteenth*—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the observations of such rules and regulations.

*Nineteenth*—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

*Twentieth*—To regulate the place and manner of weighing and selling hay, and the measuring and selling firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first*—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

*Twenty-second*—To regulate the time, manner and place of holding public auctions and vendues.

*Twenty-third*—To provide for watchmen and to prescribe their number, not exceeding four (4), and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers, not exceeding three (3), including chief of police, and their duties, and to regulate the same.

*Twenty-fourth*—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and in case of default of such owners or occupant, to punish them for such default and to authorize the removal or destruction of such substances by some officer at the expense of such owner or occupants.

*Twenty-fifth*—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers, to regulate their duties and prescribe their compensation.

*Twenty-sixth*—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

*Twenty-seventh*—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twenty-eighth*—To remove or abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

*Twenty-ninth*—To do all acts and make all regulations which may be necessary and expedient for the preservation of health or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city.

*Thirtieth*—To restrain and punish tramps, vagrants, mendicants, street beggars, and provide for the punishment of the same.

*Thirty-first*—Fines, penalties and punishments, imposed by the municipal court for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred (\$100) dollars and costs of prosecution, and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both, and to be fed on bread and water at the discretion of the judge of the municipal court; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (\$500) dollars.

*Thirty-second*—To license and regulate all peddlers doing business within said city.

*Thirty-third*—To compel the owners of low grounds, when water collects or is liable to collect and become stagnant thereon, to fill or drain such low places, and in their default to authorize the filling or draining at the expense of such owner or owners.

*Thirty-fourth*—To license and regulate hackmen, draymen, expressmen, and all other persons engaged in carrying passengers, baggage or freight; to prescribe standing places or stations within the streets, where such hacks, drays or other vehicles, used for such carriage, may stand or remain while waiting for business or orders, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of vehicles at such railroad depots or stations or other places within said city.

*Thirty-fifth*—To regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen or the construction and maintenance of gates, and to maintain lights at the crossings of railway tracks over such streets or avenues as said city council deem necessary to require such precautions.

*Thirty-sixth*—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any part of the city, in its discretion.

*Thirty-seventh*—To regulate the opening of hatchways and compel proper guards about the same, and to provide for the method and manner of constructing balconies and awnings.

*Thirty-eighth*—To regulate the numbering of houses and lots and compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

*Thirty-ninth*—The common council of the city of Mankato shall have power in its discretion, within the limits of said city, to alter the name of any street heretofore or hereafter opened which is not named and to number lots and blocks which have no number.

*Fortieth*—That the common council shall have power to order the board of public works to expend the highway labor and highway moneys beyond the city limits in the same manner as hereinafter provided for highways within the city limits.

*Forty-first*—The common council is authorized to permit the construction and operating of street railways within said city, and may prescribe the street or streets on which the same may be constructed, and may impose such restrictions and limitations on the same as to the common council may seem proper; but no such privilege shall be granted to any individual, individuals or corporation for a longer period of time than twenty (20) years, and the said common council may also provide for the introduction and use of electric lights within said city, or any other method of lighting the streets of said city, under such regulations as the common council may prescribe.

*Forty-second*—The common council shall have the care, supervision and control of all the highways, avenues, streets, alleys, levees, public parks, public squares and public grounds within the limits of the city, and shall have power to build and keep in repair bridges, to lay out, open, alter, vacate and reduce public squares, levees and grounds, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten all streets, lanes and alleys, within said city, and to take grounds from the site of public buildings and public parks, subject to the assessment of damages as hereinafter provided.

*Forty-third*—To pass ordinances for the prevention of cruelty to animals.

*Twenty-first*—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

*Twenty second*—To regulate the time, manner and place of holding public auctions and vendues.

*Twenty-third*—To provide for watchmen and to prescribe their number, not exceeding four (4), and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers, not exceeding three (3), including chief of police, and their duties, and to regulate the same.

*Twenty-fourth*—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and in case of default of such owners or occupant, to punish them for such default and to authorize the removal or destruction of such substances by some officer at the expense of such owner or occupants.

*Twenty-fifth*—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers, to regulate their duties and prescribe their compensation.

*Twenty-sixth*—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

*Twenty-seventh*—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twenty-eighth*—To remove or abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

*Twenty-ninth*—To do all acts and make all regulations which may be necessary and expedient for the preservation of health or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city.

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*Forty-second*—The common council shall have the care, supervision and control of all the highways, avenues, streets, alleys, levees, public parks, public squares and public grounds within the limits of the city, and shall have power to build and keep in repair bridges, to lay out, open, alter, vacate and reduce public squares, levees and grounds, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten all streets, lanes and alleys, within said city, and to take grounds from the site of public buildings and public parks, subject to the assessment of damages as hereinafter provided.

*Forty-third*—To pass ordinances for the prevention of cruelty to animals.

*Forty-fourth*—To control the erection and maintenance of steam or hot water heating apparatus for heating public and private buildings in said city and for furnishing steam power, and define the manner in which the streets, alleys and public grounds may be occupied with pipes.

*Forty-fifth*—To erect, maintain and furnish hospitals, and receive donations for buildings or grounds or for furnishing the same.

*Forty-sixth*—To control, license and regulate skating rinks.

*Forty-seventh*—To make proper ordinances in regard to the inspection of cattle to be slaughtered for beef.

*Forty-eighth*—The common council shall also have power to vote a sum not exceeding one thousand dollars (\$1,000) per annum for the establishment and maintenance of a public library and reading room.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council by ayes and noes, and such ordinances, regulations and by-laws shall be signed by the mayor and countersigned by the recorder, and published in the official paper of the city at least one (1) week before the same shall be in force. They shall be recorded by the city recorder in books furnished for that purpose. No appropriation shall be made without a majority of the votes of all the members of the common council in its favor, which vote shall be taken by ayes and noes and entered upon the record among the proceedings of the common council.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecution or proceedings in the courts according to law.

SEC. 6. The common council shall examine, audit and adjust the accounts of the treasurer, recorder, municipal court, and all other officers and agents of the city, at such times as they deem proper, and also before the terms for which the officers of said city were elected or appointed shall expire. The common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council, in the discharge of his said duties in pursuance to the provisions of this section, or shall neglect or refuse to render his account or present his books and vouchers to said council or committee thereof, it shall be the duty of said council to declare the office of such person vacant. And the common council may institute suit and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his account or in the discharge of his official duties. The common council shall cause to be made a full record of all such settlements and adjustment.

SEC. 7. The common council may, during the fiscal year, by a vote of two-thirds ( $\frac{2}{3}$ ) of the members thereof, issue the bonds of said city, bearing interest at not exceeding seven (7) per cent per annum and for a term not exceeding one (1) year, in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds outstanding shall not at any one time exceed one-third ( $\frac{1}{3}$ ) of such taxes and revenues; *And provided further*, that said bonds or the proceeds shall be applied to the same purposes as the taxes and revenues in anticipation of which such bonds may have.

SEC. 8. The fiscal year of said city shall commence on the second (2d) Tuesday of April each year.

SEC. 9. The common council may provide by ordinance that any one convicted of any offense before the municipal court of said city, thereby subjecting such offender to punishment by imprisonment under the charter and ordinances of said city, may be kept at hard labor during this term of punishment in such workhouse or upon the public improvements of said city, or both, and may also provide by ordinance that any one convicted of an offense before said municipal court and committed upon non-payment of fine imposed may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse or upon the public improvements of the city, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, for a time not exceeding the time mentioned in such commitment, and the common council shall have full power to establish by ordinance all needful regulation for the security of such persons thus employed, and to prevent escapes and secure proper discipline, and shall have power to establish a proper workhouse in said city, for the purposes aforesaid and under such regulations as the common council may prescribe; *Provided*, that the common council aforesaid is hereby authorized to use the county jail as the workhouse of the city of Mankato provided for in this act; the prisoners of the city to be, as at present, in the custody of the sheriff of Blue Earth county except while working on the improvements of said city, when they shall be under the control of the police force of said city; *And provided further*, that the municipal judge of said city shall have power, for the offense of vagrancy, to commit any person to the city prison or workhouse or county jail, or to order any such person to work on the public improvements of said city for a term not exceeding ninety (90) days.

SEC. 10. A copy of the record of any ordinance or resolution heretofore passed and recorded, or that may be hereafter passed, certified by the recorder and verified by the seal of the city, and any copy thereof published in the official paper of the city, or printed in the books containing the official proceedings of the common council, or published in any compilation of ordinances made under the direction of the common council, shall be *prima facie* evidence of the contents of such ordinances and the regularity of all proceedings relating to the adoption or approval thereof and shall be admitted as evidence in any court in this state without further proof. The common council shall have power and authority to cause any ordinance, notice or other proceeding authorized to be published in the official paper of said city to be published in the German newspaper published in said city of Mankato at an expense not exceeding the sum paid for publishing such ordinance, notices or proceedings in the official paper of said city; *Provided, however*, that no such publication shall be made in said German newspaper unless authorized, before such publication is made, by a two-thirds ( $\frac{2}{3}$ ) vote of the members of said council. In all actions, prosecutions and proceedings of every kind before the municipal court of said city, such court shall take judicial notice of all ordinances by said city, and it shall not be necessary to plead or prove such ordinances in said court.



## CHAPTER V.

## LEVYING OF TAXES.

SECTION 1. The common council shall have power to levy upon all real and personal property in said city, except such as is by the laws of this state exempt from taxation, taxes to provide for the current expenses of the city government, for the purchase, opening and maintaining of public grounds, of public buildings, and for improvements of a general character, and for all other expenses which may be incurred, and other improvements which may be made and which are authorized by law.

SEC. 2. The common council shall have power to levy a tax upon the taxable property of the city for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys. No debt in behalf of said city shall be incurred or any money expended for any purpose or in any manner, excepting by express authority of this act, either by the city at large, the common council or any officer or officers of the same, and no order or orders shall be issued upon the treasurer exceeding the amount of tax collected or assessed or in process of collection.

SEC. 3. The common council shall have power, and it shall be the duty of the common council, to levy annually upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first (1st) day of September in each year, some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act for the purchase of public parks or other purposes; *Provided*, the same be authorized by a majority of the voters present and voting at any election to be held for that purpose. The amount of said bonds, rate of interest, not exceeding five (5) per cent per annum, and time they shall run; also, the time, place and manner of holding such election, to be prescribed by the common council by resolution, the same notices to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized, except as hereinbefore provided in, and no such bonds shall be sold at less than par; *Provided*, the common council of said city may issue and negotiate the bonds of said city for the purpose of redeeming and paying bonds heretofore issued by said city. Such bonds and the interest thereon to be payable at such times and places as the common council may determine, but said bonds in this proviso mentioned shall not be made payable more than thirty (30) years from the date thereof, nor shall they draw a greater rate of interest than five (5) per cent per annum, interest to be payable at such times as the common council shall direct; nor shall said bonds be negotiated for less than cost; said bonds to have interest coupons attached, and shall be signed by the mayor and countersigned by the recorder; *Provided further*, said bonds or the proceeds thereof shall not be used for any other purpose than is herein specified.

SEC. 4. Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same or because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond or interest tax, it shall be kept and used for the future payment of the principal or interest of the same class of bonds, or the purchase thereof before due; if it be for improvements, it shall be kept and used for future improvements of the same character.

SEC. 5. The common council shall cause to be transmitted to the county auditor of the county of Blue Earth, on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced in like manner as state and county taxes are paid, and the payment thereof enforced; and the county treasurer of said Blue Earth county shall pay such taxes over as fast as collected to the treasurer of said city.

SEC. 6. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders signed by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate.

SEC. 8. The common council shall have the power, for the purpose of aiding in the construction or equipment of any railroads, to issue or cause to be issued, the bonds of said city, with interest coupons attached, in such amounts, of such denominations, payable at such time and in such place, and bearing such rate of interest, not exceeding five (5) per cent per annum, and payable annually or semi-annually, as the common council may by resolution determine; *Provided, also*, that no such bonds shall be issued until the issuing of the same shall have been approved by the vote in favor thereof of the majority of those electors of said city who shall vote upon the question of the issuing of such bonds at an election at which such question shall be submitted, as hereinafter provided.

SEC. 9. Whenever it shall be desired to submit to the vote of the electors of said city the question of the issuing of any bonds authorized by the preceding section, the same may be done in such form and manner, upon such conditions, and at such time and place as the common council may by resolution prescribe; *Provided*, that previous notice of such election shall be given in the same manner as notices of general or special election are by law required to be given, which notice shall state that the questions of the issuing of such bonds will then be submitted.

SEC. 10. All bonds issued in pursuance of sections eight (8) and nine (9) of this chapter shall be under the seal of said city, and shall be signed by the mayor and countersigned by the city recorder, and shall

upon their face express the object for which they were given; *Provided*, that nothing herein contained shall be construed to authorize the issue to one railroad company bonds exceeding thirty thousand dollars (\$30,000), excepting in refunding bonds now outstanding.

## CHAPTER VI.

### TITLE I.

SECTION 1. There is hereby established an executive department of the municipal government of the city of Mankato, to be known as the board of public works of the city of Mankato, to be constituted and organized as hereinafter provided.

SEC. 2. The board of public works of the city of Mankato shall consist of three (3) reputable freeholders and qualified electors of said city. The term of office of the members of said board shall be two (2) years, and until their successors shall be appointed and qualified, and shall commence on the second (2d) Tuesday in May succeeding their appointment; *Provided, however*, the first (1st) term of the president of said board shall be but one (1) year and until his successor is appointed and qualified, and that thereafter the term of said president shall be two (2) years as above provided. The members of said board shall be appointed by the mayor and confirmed by a majority vote of the members of the common council, except as hereinafter provided. The incoming mayor, by and with the consent of the majority of the common council as above provided, shall, after each biennial election and before the first (1st) Monday in May, in the year one thousand eight hundred and ninety-one (1891), and every alternate two (2) years thereafter, appoint two (2) and one (1) of said members respectively as their term shall expire. The first (1st) term of the president of said board shall be one (1) official year as above provided. One (1) of the members of said board shall be a civil engineer, and the mayor, by and with the consent of the common council, shall appoint some competent civil engineer as such member thereof, who shall be civil engineer of said board and shall be *ex-officio* city engineer, and shall be known as and called the second (2d) member of said board, and shall receive a salary of one thousand dollars (\$1,000) per annum for his services as city and civil engineer and member of the board of public works. The mayor, by and with the consent of the common council, shall appoint and designate in his certificate of appointment some suitable and qualified person as president of said board of public works, who shall receive a salary of seven hundred and fifty dollars (\$750) per annum. The city assessor shall be *ex-officio* one of the members of the said board of public works, and shall receive a salary of seven hundred and fifty dollars (\$750) per year for all his duties performed for the city of Mankato. In case the office of any member (except the *ex-officio* member) shall become vacant during his term, the mayor shall in like manner as above, so soon as practicable thereafter, appoint a person of like qualifications as aforesaid to fill such vacancy for the unexpired term and until his successor shall be appointed and qualified. The president and second member of said board of public works shall be required to give all the time and attention to the proper and efficient discharge of the duties imposed

upon them by the provisions of this act, and the other member of said board shall be required to give all the necessary time for the proper and efficient discharge of his duties under this act.

SEC. 3. The mayor shall deliver to each person appointed by him and confirmed as aforesaid, *pro tem.* or otherwise, a certificate of his appointment. Each of the members of said board shall before entering upon the discharge of his duties take and subscribe an oath to be indorsed upon said certificate to the effect that he will faithfully and impartially perform his duties to the best of his ability, and cause such certificate and oath, within fourteen (14) days after said appointment, to be deposited with the register of deeds of the county of Blue Earth, whose duty it shall be to file and record the same at the expense of said city, and in addition to the making and filing of said certificate as aforesaid the president of said board of public works shall make and execute to the city of Mankato, within fourteen (14) days after his appointment, a bond with good and sufficient sureties, in the sum of two thousand dollars (\$2,000), for a faithful and impartial discharge of his duties, which bond shall be approved by the common council and filed with the city recorder.

SEC. 4. In case any person so appointed fails for the space of fourteen (14) days, after receiving said certificate of appointment, to deposit the same, with his oath as aforesaid, in the office of the register of deeds as aforesaid, his office shall be deemed to be vacant. In case said president of said board shall fail to furnish and file his bond as aforesaid within fourteen (14) days after his appointment, said office shall be declared vacant by the mayor. Any member wishing to resign his office shall tender his resignation, in writing, to said mayor, who shall be at liberty to reject or accept the same.

SEC. 5. No member of the board of public works, nor the clerk thereof, shall be interested, either directly or indirectly, in any contract made and entered into by said board of public works, for any work or any material to be furnished therefor, and all contracts made with said board in which any member of said board shall be interested shall, at the option of the city, be declared utterly void and of no binding effect whatever, and any member of said board interested in any contract shall thereby forfeit his office and be removed therefrom, on proof of such delinquency; and it is thereby made the duty of each member of said board of public works, and of the mayor and every officer of said city, to report to the common council any such delinquency when discovered. Any member, the clerk of said board, who shall be interested directly or indirectly in any such contract or contracts as aforesaid, or any contractor or other person who shall take any such contract or contracts with knowledge of such interest of such member or the clerk of said board in said contract or contracts, or who shall corruptly influence or attempt to influence the action of any member or clerk of said board in the letting or entering into any contract, or in the performance of any official duties, or [of] such member, officer or clerk, shall be guilty of a misdemeanor and liable, on indictment and conviction thereof, to be punished by imprisonment for a period not exceeding six (6) months or a fine not exceeding one thousand dollars (\$1,000), or both such imprisonment and fine in the discretion of the court.

SEC. 6. Any member of said board may be removed for cause by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen authorized to be elected, and

under the same regulation as provided by this act in relation to elective officers of said city, and not otherwise.

SEC. 7. The city recorder shall be the clerk of said board, and it shall be his duty to keep the records and papers thereof, and he shall record their proceedings and perform such other duties as may be assigned to him by said board, and for the performance of such duties he shall receive a salary of one hundred dollars (\$100) per annum, in addition to his salary as recorder and clerk of the municipal court.

SEC. 8. It shall be the duty of the city engineer and the civil engineer of said board to superintend and to do or cause to be done all the civil engineering required by the board of public works in the management and prosecution of the public improvements committed to their charge, and all such other surveying as may be directed by said board. He shall devote his whole time to the duties of his office as member of said board and civil engineer thereof. Said engineer shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effects shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors; he shall keep a record of all his official acts and doings, and shall keep on file a copy of all plats of the lots and blocks and sewers and water mains embraced in the city limits, of profiles of streets, alleys and sewers, and the grade thereof, and of all drafts and plans relating to bridges and to any public buildings belonging to the city of Mankato; all of which such records and documents shall be the property of the city, open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of service, to his successor in office or to the board of public works. He shall make an annual report of all acts and doings of the engineer's department to the board of public works on or before the first (1st) day of February each year, which report shall be filed and kept among the records of the clerk of said board. Said engineer shall employ such workmen, by and with the consent of the common council, as shall be necessary in the discharge of his duties, subject, however, to such regulation respecting the number of workmen to be employed and their compensation, as the common council may by resolution prescribe.

[The part of a sentence following appears in both the engrossed and enrolled bills. It is evidently part of a section to be struck out, and which ought to have been omitted from the enrolled bill.]

as may be lawfully passed by the common council, of all the streets, alleys, highways, sidewalks, crosswalks; bridges, public grounds, and all other public buildings and grounds belonging to the city, except as otherwise specially provided in this act; of all sewers and works pertaining thereto, and of all public works commenced or undertaken by the city, except as otherwise provided in this act.

SEC. 9. The said board of public works shall have the exclusive power to grant permits, subject to such regulation and restrictions as may be prescribed by the ordinances of the common council, for the moving of houses along or across the streets, alleys or walks, and to regulate the building of vaults under streets, alleys or sidewalks, and to issue permits therefor; to control and regulate the placing of building material or other temporary constructions upon the streets, alleys, walks or other public grounds of said city, and to issue permits therefor; to issue or refuse to issue permits for the erection of buildings in

conformity with the ordinances of the common council. They shall have power, subject to such ordinances as may be lawfully passed by the common council, to regulate and control the manner of using streets, alleys or walks for laying down gas or water pipes, sewer, drains and service connections therewith, and to determine the location and depth thereof, and to issue permits therefor, and to cause the prompt repair, in such time and manner as they shall direct, of streets, alleys and walks, wherever such pipes or sewers, drains or connections may be put down, taken up or altered or repaired; and in case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk interfered with, or excavate for any of the purposes aforesaid, within the time and in the manner directed by said board, and said board shall cause the same to be done, and the expense thereof shall be paid out of the general fund; and such corporation or individual so delinquent shall be liable to the city of Mankato for the amount of such expense, with costs, to be sued for and recovered as in action of debt in any court having jurisdiction, and in addition thereto shall be subject to such fines and imprisonment, or penalties and forfeitures as may be provided by ordinances of the common council.

SEC. 10. All contracts entered into, and all public notices required by law to be given by the board of public works of the city of Mankato, shall be signed by the president of the board of public works on the part of the city, and countersigned by the city recorder. All contracts entered into by said board and all bonds taken by them shall be entered into in the name of and shall be executed to the city of Mankato, and all such bonds or contracts, when executed, shall be examined and approved as to form of execution by the city attorney, and as to substance by the common council.

SEC. 11. The said board of public works shall have no power, by contract or otherwise, to exceed, in the doing of any work in any one year, the sum appropriated for such work by the said common council or by law for such year.

SEC. 12. Meetings of said board shall be called by the president or a majority of said board, and they may meet at such stated times and in such manner as may be established by their rules, by-laws or regulations.

SEC. 13. The president and the second member of the said board, in addition to all other duties and authority by this charter conferred upon them as members of said board, shall have the charge, control and management of the water works system of the city of Mankato, and it shall be their duty to keep the reservoir, all hydrants, water mains, taps, connections and other apparatus and paraphernalia of said water system in repair and working order at all times; for the performance of which duties they may, by and with the approval of the common council, employ such assistance and labor, and purchase such material, as may be necessary for the purposes contemplated in this section. Said president and second member of said board may, with the concurrence of the other member of said board, hire such engineer or engineers as shall be necessary to run the water works pumping station, and shall require such engineer or engineers, before he or they shall take charge of the engineering department of said station, to execute to the said city of Mankato a good and sufficient bond in the sum of two thousand dollars (\$2,000), with such

conditions as shall be determined upon by the common council; said bond to be approved by the city attorney as to form and filed with the city recorder.

The president and second member of the board of public works shall also at all times keep an exact indexed and alphabetical list of consumers of city water; the number or exact location at which each consumer shall be using city water; the number of taps in use by each consumer; the floor or exact place of each tap; the price or rate to be paid by each consumer as established by proper authorities; the time when each water rental shall become due; the exact amount of all delinquencies charged to each delinquent, and shall make all other entries in suitable books, to be provided by the city for that purpose, which shall be necessary for keeping a proper, convenient and available record of the consumption of city water.

SEC. 14. The president of the board shall have the exclusive authority to grant permits to applicants for the introduction of city water into premises or places named by said applicant, whenever said applicant shall have complied with all the rules, by-laws and ordinances, regulations and resolutions in force relating to the furnishing of city water to consumers, and whenever said applicant shall have obtained from the city engineer, or other proper authority, a permit such as is required by the charter, ordinances or resolutions of the city; *Provided*, that such applicant for city water, before the president of the board of public works shall grant the use thereof to him, said applicant shall make and file with the said president an application for the introduction of water into any premises named by him, addressed to said president, which application shall be in the handwriting or with the consent of the owner of said premises, and shall specify the street and number, or other definite description at which the introduction of said water is desired, and shall state truly and fully all purposes and uses for which it is required, and no different or additional use shall be allowed, except upon application in like manner as above.

SEC. 15. The board shall regulate the distribution and use of the water throughout the city, and shall establish scales of prices, terms or rates upon which the water shall be furnished to consumers, subject to the approval of the common council of said city. They shall regulate the time of payment of all water rents, and may fix additional rents for the use of the water whenever extra quantities shall be used exceeding the quantities estimated for the same class of buildings or purposes in the tariff of rates by them adopted; and shall regulate the price of water for all special rates, and in case prompt payment for the same shall not be made within ten (10) days they shall shut off the water from such buildings, place or premises, and shall not turn on the same until such arrears, with interest thereon, together with the costs and expenses of turning said water on and off, shall be fully paid; and it is hereby declared to be a misdemeanor, punishable by fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding one (1) year, or both, at the discretion of the court, for said board knowingly to omit the property of any person from assessment for water rates or to neglect or refuse to make proper bills for the same, or to give any person other or different credit for the use of water than that given to the whole public.

SEC. 16. That the said board of public works may prosecute any action in the name of the city of Mankato against any person or persons or corporation for money due for the use of city water, for the breach of any contract expressed or implied, touching the execution or the management of the works or distribution of the water, or any contract or promise made to or for them; and also for any injury or trespass or nuisance done or caused or procured to the water, wells, reservoir, pump house, pump, pipes, machinery, or any apparatus belonging to or connected with any part of the water works system, or for any improper use or waste of water.

SEC. 17. All extensions of water mains shall be laid by the said board when ordered by the common council of said city.

SEC. 18. Any person who shall willfully and without authority of said city, break, remove or damage any conduit, main pipe, valve or culvert, or raise or open any gate, break down or force open any doors of said city, including the pump house and reservoir, or shall willfully and without authority injure, break open or destroy any of the connections or apparatus belonging to or connected with the water works of said city, shall, on conviction thereof, be punished by imprisonment in the state prison for a term not more than five (5) years nor less than one (1) year, or by a fine not exceeding one thousand dollars (\$1,000) nor by less than fifty dollars (\$50), or both fine and imprisonment, in the discretion of the court.

SEC. 19. Any person who shall, without authority from the said board, lay any main or service pipe, or take water therefrom, or open or shut any service cock or fire hydrant, or remove or unscrew wholly or partially the cup from such fire hydrants, or enter or form any connection with, or turn water into any tunnel excavated or used by said city for the purpose of laying its pipes, or who, being authorized by the said board to take water from a main or service pipe into any specified building or upon any specified premises, or to be used for any specified purpose, shall, without authority from said board, use such water for any other purposes other than such specified purpose or any other place other than such specified place, or permit any other person to use the same for any other than such specified purpose or at any other than such specified place, or to take the same out of such building; and such other person so using or taking such water or who, without lawful authority, shall dig or excavate within six (6) feet of any main, pipe, gate, hydrant or blow-off of said works, shall be deemed guilty of a misdemeanor and shall be punished by a fine not more than one hundred dollars (\$100) and not less than ten dollars (\$10), or by imprisonment in the county jail for a term not more than three (3) months, nor less than ten (10) days, or both such fine and imprisonment upon conviction thereof.

SEC. 20. That, if any person or persons shall maliciously or willfully divert the water or any portion thereof from the said works, or shall corrupt or render the same impure, or shall destroy or injure any pipe, machinery or other property used or required for procuring or distributing water, such person or persons and their aiders and abettors shall forfeit to the city of Mankato, to be recovered in a civil action in the name of said city, treble the amount of damages, besides cost of suit, which shall appear on the trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not ex-



ceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one (1) year, or both such fine and imprisonment.

SEC. 21. The president of the board of public works shall, two (2) weeks prior to the time when the water rents shall fall due, or when the rent of any consumer shall fall due under any special arrangement or contract hereinafter provided, make out a statement of said water rents, containing the name of the consumer, the location at which city water has been consumed, the amount due, and shall transmit the same to the city treasurer, who shall thereupon proceed to collect said water rent when the same is due as provided by law, and the city treasurer shall, upon the collection of any water rent or part thereof, immediately notify said president of the board of public works of the same, who shall thereupon make proper entry thereof in his records; and in case of a failure to collect said water rents, said treasurer shall make like reports as above.

SEC. 22. It shall be the duty of the board of public works to make and transmit, at the second (2d) regular meeting of the common council in the month of January, at the second (2d) regular meeting in the month of July in each year, to said council, an itemized statement, containing an alphabetically arranged list of consumers of city water, the place and location where each consumer shall, at the time of the presentation of such statement, be using city water, the number and location of taps in use and the price or rate paid, the name of each delinquent and the amount and time of such delinquency; which statement or report, if approved and adopted by the common council, shall be published once in the official paper of the city.

SEC. 23. The books of the board of public works shall be open at all proper times to the inspection and examination of any person or persons appointed by the common council for that purpose or to any committee of the common council.

SEC. 24. The president and second (2d) member of the board of public works shall have the care, control and be responsible for the safe keeping, careful and economic usage of all the materials and tools purchased by the city of Mankato, for the repair or construction of sidewalks, for the repair or grading or construction of streets, for the excavation of street, laying of water mains, sewers or for the repairing of the same, or for the running or repair of the water works system and for any other purpose in connection with the public works or improvements of the city of Mankato, except such materials as shall be purchased for the use of the city hospital and the fire department, and it shall be the duty of said president, from time to time, as may be necessary or as the common council may require, to present estimates and recommendations to the common council of said city as shall aid them in the purchasing of materials and tools for the public works and improvements of said city; *Provided, however,* that the board of public works without the consent of the common council shall have the power and authority to purchase materials for the repair and construction of improvements in said city, and shall have the power and authority to repair and purchase tools and implements in and for the use of said city, but shall not, during any one (1) month, expend altogether in purchasing materials or in purchasing or repairing tools, as above set forth, a sum to exceed one hundred dollars (\$100). And whenever said common council or said board of public

works shall have purchased any material or tools for any purpose whatever, it shall be the duty of the president of the board of public works to make a correct and itemized entry of the same in suitable books to be provided for that purpose by the city and to keep a correct and itemized account of all materials used in the construction, repair or building of any public improvement (except the city hospital and fire department) within said city, and at the first (1st) regular meeting of the common council each month to present an itemized report of the amount of materials and wood on hand at the beginning of the month, the amount of materials and wood used since the last monthly report, the value of such materials and the public improvements in the construction of which such material may have been used, and whenever required by the common council to present to that body an itemized report of all the tools and implements belonging to the city of Mankato.

SEC. 25. The president and second member of the board of public works shall have the exclusive care and control of the implements and tools belonging to the city of Mankato, and he shall keep and properly care for the same in some suitable place or places to be designated by the common council, and no person or persons shall have any right or authority to use, cause or direct to be used, loan or rent to any person whomsoever any of said tools or implements except with the consent and order of the said president or second member of the board of public works, and no person or persons shall have any authority or right to use, order or direct to be used, loan, sell or rent any materials of any kind whatsoever belonging to the city of Mankato except with and by order of the said president or said second member of said board; *Provided, however*, this section shall not apply to materials purchased for the use of the city hospital and fire department of the city.

SEC. 26. The board of public works shall have the power, and it shall be its duty, subject to the approval of the common council, to establish rules and regulations in regard to cleaning sidewalks from snow, and all such rules and regulations shall have the same force and effect as though set forth in this charter, and said board shall have the power, in case of a failure of any person or owner of property to comply with said rules and regulations so established, to assess the expense of cleaning any sidewalk or sidewalks in said city against the property adjacent thereto, and after said improvement has been made the costs thereof may be levied and collected from abutting property in like manner as other special improvements.

## CHAPTER VI.

### TITLE II—STREETS, SIDEWALKS, ETC.

SECTION 1. The municipal corporation of the city of Mankato is hereby authorized and empowered to condemn lands for public parks, public markets, for the opening, widening and extending or laying out any street, or altering and straightening of any street, levee, lane, alley or highway, and to condemn an easement in land for the construction of slopes for cuts and fills upon real property abutting on any street, lane, alley, or highway, now ordered to be or such as

shall hereafter be ordered to be opened, extended, altered, straightened or graded, and for changes of grade in any street, levee, lane, alley or highway in said city, and to levy assessments for the same, and for such other local improvements as may be ordered by said municipal corporation upon the property fronting upon such improvements, or upon the property benefited by such improvements, without regard to cash valuation. The provisions of this section shall apply to any and all improvements heretofore ordered, as well as to those which shall be hereafter ordered.

SEC. 2. Such assessment may be made by the said city of Mankato for grading, filling, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering, [straightening] or laying out any street, levee, lane or highway, and for a change of grade in any of the same; and also for the condemnation of land for public parks, public markets, and for an easement in land for the construction of slopes for cuts and fills in any street, levee, lane or highway which has heretofore been or shall hereafter be ordered to be opened, extended, widened, altered or straightened and for a change of grade in any of the same, and also for keeping the same in repair; also, for filling, grading, protecting, improving and ornamenting any public park, square or grounds now or hereafter laid out; also, for planting or protecting shade or ornamental trees; also, for constructing, laying, relaying and repairing cross and side walks, area walls, gutters, sewers and private drains; also, street sprinkling, and also for the abatement of any and all public nuisances within the limits of said city.

SEC. 3. The expenses of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, to be levied in the manner hereinafter prescribed; *Provided*, that cross foot walks over public streets, lanes or alleys, and sidewalks adjacent to public squares, public grounds and public parks, shall be paid out of the general fund of said city, and that all or any part of the expense of the improving or ornamenting public grounds, squares and parks may, if the common council of said city deem it expedient, be paid out of the general fund of said city.

SEC. 4. All assessments or local improvements aforesaid, as provided in this chapter, shall be made by the board of public works of the city of Mankato, except as may be herein otherwise provided.

SEC. 5. All applications or propositions for any improvement mentioned in section two (2) of this chapter shall be made to or emanate from the common council of said city, and shall, except in case of sidewalk and street sprinkling, be first referred to the board of public works by the said common council; *Provided*, that any such application made to the said common council shall be in writing, and the said council shall not be required to proceed further with any such application, by reference to the board of public works or otherwise, unless said council is satisfied that a majority of the property owners who would be probably assessed for the expense of any such improvement have subscribed to such application. Upon such reference said board shall then proceed to investigate the same, and if it shall determine that such improvement is necessary and proper, it shall report the same to the common council, accompanied with an estimate of the

expense thereof and a proper order directing the work; *Provided further*, that it shall not be competent for said common council to order any improvement made against the unanimous report of all the members of said board, when the board have assigned as a reason for their adverse report that property cannot be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby. In case the said board shall report in favor of said improvement, or some part thereof, or a modification of said improvement, the common council may, in its discretion (unless otherwise provided for in this charter), order the doing of such work or the making of said public improvement; and in all cases, the common council, after having obtained from said board of public works an estimate of the expenses, may make such modifications of the proposed plan as may be petitioned for by any of the owners of the property to be assessed or as the council may think proper; *Provided further*, that such modification shall not materially change the character and object of the improvement as reported by said board or materially increase the expense thereof; *And provided further*, that the council shall in no case order the doing of any such work or the making of any such improvement unless, in their opinion, real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expenses necessarily to be incurred thereby, except as hereinafter provided. Two or more improvements, upon one or more streets, neither grading, sewerage or paving, or either or any of them, may be done at the same time under one (1) order, and may be included in one contract; *Provided further*, that upon the unanimous recommendation of said board, the council may order the making of any improvement, and pay such proportion of the expenses out of the general fund as said council, by a two-thirds ( $\frac{2}{3}$ ) vote of all its members, may determine; *Provided*, that the common council, by a two-thirds ( $\frac{2}{3}$ ) vote of its members, may in cases where in the judgment of said council, the public necessity requires it, order the matter of any contemplated improvement and the advisability of doing the same to the board of public works for their consideration, without petition.

SEC. 6. In case such improvement referred to in the preceding section shall relate to the opening, straightening, widening, contracting, altering, extending or grading, paving or sewerage any street, lane, alley, highway, levee or public grounds in the city, and said board shall report in favor of the same, it shall furnish the said common council, as a part of its said report, with a plan or profile of the contemplated improvement, and shall also report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, and whether the said improvement is asked for upon a petition or application of the owners of the majority of the property to be assessed for such improvement, and if it appear by such report that the owners of the majority of the property so to be assessed have not petitioned therefor, the same shall be ordered only by the votes of at least two-thirds ( $\frac{2}{3}$ ) of all the members elect of said council.

SEC. 7. Whenever any order is passed by the common council by virtue hereof, for the making of any public improvements (mentioned in section two (2) of this chapter, save as herein otherwise provided) which shall require the appropriation or

condemnation of any land or real estate, the said board of public works shall, as soon as practicable, proceed to ascertain and assess the damages and recompense due to the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages, together with the costs of the proceedings, on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel thereof.

SEC. 8. The board of public works shall then give fifteen (15) days' notice, by one (1) publication in the official newspaper of the city, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and they shall describe the land to be condemned, as near as may be done by a general description, and all persons interested in any such improvement shall have the right to be present and be heard, either in person or by counsel, and the city attorney, as counsel for the city of Mankato, shall be permitted to appear before them at such hearing to represent the interest of the said city. The said board shall view the premises to be condemned, and receive any legal evidence that may be offered for the purpose of proving the true value thereof or the damages that will be sustained or benefits conferred by reason of the contemplated improvement; and the said board for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time and place to place until such assessment is completed, and said board shall have authority to send for persons and papers and to compel the attendance of witnesses, and shall have authority to issue subpoenas under the seal of the board.

SEC. 9. The said board of public works, in making said assessment, shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvements, and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefits which such owners may respectively derive from such improvements.

And said sum so awarded as damages shall bear interest at the rate of seven (7) per cent per annum from and after date of the confirmation of the assessment therefor, as hereinafter provided for, until paid.

The condemnation, taking and appropriating of any real property, or of any easement therein, for any improvement mentioned in section one (1) of title two (2) of this chapter, shall be deemed (in law) to be done and fully consummated, upon the confirmation by said board of the assessment of damages and benefits therefor.

SEC. 10. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the board of public works shall strike a balance and carry the difference forward to another column, so that the assessments may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible of them or paid to them.

SEC. 11. In the assessment of damages and benefits for the opening of any streets, levee, lane, highway or alley, it shall be lawful for said board of public works, in their discretion, in making such assessment, where part of the land to be laid out into such street, levee, lane,

highway or alley has been theretofore donated by any person or persons for such street, levee, lane, highway or alley, to appraise the value of the land so donated, and to apply the value thereof as far as the amount so appraised shall go, and as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the city the amount of such appraisal, except as an offset as herein provided. And where the assessment is for the widening of any street which may have been heretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said board of public works, in their discretion, to make such allowance therefor in their assessment of benefits as shall in their opinion be equitable and just.

SEC. 12. If there should be any building standing, in whole or in part, upon the land to be taken, the said board of public works shall add to their estimate of damages for the land the damages also for the building or part of the building necessary to be taken, if it be the property of the owners of the land. When owned by another person the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by said board of public works, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of residence or abode. If the owner is not known or is a non-resident, ten (10) days' notice by one (1) publication to all persons interested shall be given in the official paper of the city. Such owners may, at any time within ten (10) days after such notice, notify the board of public works, in writing, his election to take such building, or a part of building, at the appraisal; and in such case the amount of such appraisal shall be deducted by the board of public works from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building, where they belong to different owners; and the owner shall have such time for the removal of such building after the confirmation of the assessment as the board of public works may allow. If the owners shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid within the time prescribed, then no deduction shall be made from the estimated damages as aforesaid, and the said board of public works shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction for cash, giving ten (10) days' public notice of the sale by one (1) publication in the official paper of the city, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury to the credit of the local improvement fund.

SEC. 13. If the lands and buildings belong to different persons, or if the land be subject to lease, the damages done to such persons, respectively, may be awarded to them by the board of public works, less the benefits resulting to them respectively from the improvements.

SEC. 14. Having ascertained the damages and expenses for such improvement, as aforesaid, the said board of public works shall thereupon apportion and assess the same, together with the costs, and of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall briefly describe the real estate upon which their assessment may be made; and it shall constitute no legal objection to such assessment, that the amount thereof either exceeds or falls short of the original estimate of the costs of the improvement submitted to the common council by the board of public works.

SEC. 15. When completed, said board of public works shall cause to be given ten (10) days' notice, by two (2) publications in the official paper of the city, to the effect of that such assessment has been completed, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed in writing with the clerk of said board at least one (1) day prior to said meeting, and that unless sufficient cause is shown to the contrary the same will be confirmed, and when so confirmed shall be entered in a book kept for that purpose. Objections to said assessment shall be in writing, and filed with the clerk of said board at least one (1) day prior to said meeting of said board last mentioned; *Provided, however*, that the said board may, in its discretion, allow any party interested, who has accidentally or inadvertently omitted to file his objection aforesaid, to do so at the time of meeting of said board. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the member or members of said board present, or if none of the members of the board are present, by the clerk of said board, to such other convenient time and place as may be deemed expedient; *Provided further*, that nothing herein contained shall preclude the said board from causing a new notice aforesaid to be given, of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required, in case the previous notice shall be found imperfect, or in case of a defect in the attendance of the members of said board or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power in their discretion to revise and correct the said assessment, and to confirm or set aside the said assessment and proceed to make an assessment *de novo*, without any further order from the council. Said assessment when confirmed shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed a warrant under the seal of said board shall issue to the treasurer of said city for the collection of the same from the property on which the same has been assessed, signed by the mayor and clerk of said board. If said assessment shall be set aside by the said board aforesaid, or by the court, the said board of public works shall proceed *de novo*, without any further order from the council to make another or new assessment, and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights and the said board shall perform like duties and have like powers in relation to any subsequent determination as are hereby given in relation to the first. As soon as practicable after the said assessment has been con-

firmed and entered, the clerk of said board shall cause a brief notice by one (1) publication of the fact of said confirmation and entry to be published in the official paper of said city.

SEC. 16. Any person whose property has been appropriated and who has filed objections to such assessment as hereinbefore provided shall have the right, at any time within ten (10) days after the publication of said notice provided for in the next preceding section, to appeal to the district court of Blue Earth county of this state from the order confirming said assessment. Said appeal shall be made by filing a written notice with the clerk of the board of public works, specifying the name of the court in which the appeal is taken and a description of the property of said appellant so appropriated and the objection of said appellant to such assessment, and by filing with the clerk of said court, within ten (10) days thereafter, a copy of said notice of appeal and objections, together with a bond to the city of Mankato conditioned to pay all costs which may be awarded against the appellant, in such sum and with such security as shall be approved by the judge of said court, or, in case of his absence or inability to act, by the judge of any court of record in this state, together with a copy of such notice with the date of filing therein certified by the clerk of the board of public works. In case of an appeal, a copy of the assessment roll as confirmed aforesaid, and of the objections aforesaid made to the confirmation thereof, certified by the clerk of said board at the expense of the appellant, and shall be filed in the office of the clerk of the court to which the appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of Mankato as an appeal from assessments. The said cause shall then be at issue and shall have the preference in order of trial over all civil causes pending in said court, and may be tried in vacation upon eight (8) days' notice. Such appeal shall be tried in said court as in the case of other civil causes, except that no pleading shall be necessary; and on such trial the only question to be passed upon shall be whether the said board of public works had jurisdiction in the case and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it affects such property, as a fair and impartial assessment. If it shall have been found that said board had jurisdiction, and that said valuation and assessment, in so far as the same shall affect the property of said appellant, are fair and impartial. If the court shall find that the board of public works had no jurisdiction in the matter appealed from, then and in such case the judgment of the court shall be to annul said assessment. If the court shall find that the board had jurisdiction, and shall also find that said valuation is unfair and that the damage awarded by said board to said appellant are insufficient and inadequate for the property so appropriated, then, and in such case, the court shall determine and find the amount of damages which said appellant is entitled to receive, and shall order judgment therefor. On motion of the corporation attorney, the court shall order a stay of judgment for four (4) months, and the board of public works shall, without unnecessary delay, after the notice of the rendition of such judgment, proceed to make a new assessment or reassessment, for the purpose of raising the difference between the amount originally awarded by said board to said appellant or appellants and the amount which the court has adjudged said



appellant is entitled to receive, and said board shall proceed in making such new assessment or reassessment in the same manner and shall have and take like proceedings as are provided for in section fifteen (15) of this chapter, where an assessment has been set aside or annulled by said board, or by the order and judgment of said court.

SEC. 17. When such assessment shall have been confirmed and no appeal shall have been taken therefrom, or if any appeal shall have been taken, when judgment shall have been rendered thereon, the same shall be lawful and sufficient condemnation of the land or property ordered to be appropriated. The common council shall thereupon cause to be paid to the owner of such property, or his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessments have been collected for that purpose; but the claimant shall in all cases furnish an abstract of title, showing himself to be entitled to such damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any person shall claim such damage. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city of Mankato in fee simple. It shall be the duty of the clerk of the board to cause all deeds taken by the city for land acquired by condemnation to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired; and it shall be the duty of the register of deeds of the county of Blue Earth to record all deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

SEC. 18. As soon as the money is collected and ready in the hands of the treasurer to be paid over to the parties entitled to damages for the property condemned, ten (10) days' notice thereof by two (2) publications shall be given by the city treasurer in the official paper of the city, and the city may then, and not before, except as hereinafter provided, enter upon, take possession and appropriate the property condemned; and whenever the damages awarded to the owner of any property condemned by the city for public use shall have been paid to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer, ready to be paid over to such owners, and said ten (10) days' notice thereof shall have been given in the official paper of said city, the city may enter upon and appropriate such property to the use for which the same was condemned; *Provided, however,* that the city shall not be hindered, delayed or prevented, by the prosecution of an appeal by any person, as hereinbefore provided for in section sixteen (16) of this title, from entering upon and appropriating such property to the use for which the same was condemned. If the city shall, after such appeal has been taken, by its mayor, execute and file with the clerk of the district court of Blue Earth county, a bond to be approved by said clerk, payable to the appellant, conditioned that the city shall, in case the assessment against the property appealed from be annulled and

set aside by the court, pay whatever sum shall finally be awarded by the board of public works as damages for such property so condemned and appropriated, less such sum as shall be assessed thereon as benefits. This provision shall apply as well to all proceedings for condemnation now pending, in whatever stage such proceedings may now be, as to those hereafter to be initiated. The mayor of the city is hereby authorized and empowered to execute the bond herein provided.

SEC. 19. When the whole of any lot or parcel of land or other premises under lease or other contract shall be taken for the purpose aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties touching the same or any part thereof shall upon publication of the notice required in the preceding section respectively cease and be absolutely discharged.

SEC. 20. Where part only of any lot or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid by virtue of this act, all covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved payable and to be paid for in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

SEC. 21. All proceedings taken by the said board of public works in carrying out the provisions of this chapter shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements and the real estate taken and assessed. The said books in which the said proceedings have been entered aforesaid and the official files and papers of said board of public works shall be deemed public records, and to *prima facie* evidence of the facts therein stated; and certified copies thereof by the clerk or officer having proper custody thereof, with the seal of said board attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall be entitled to receive from any private party, for any certified copy or transcript aforesaid furnished said private party, the like fees as received for such services by the clerk of any court of record in this state.

SEC. 22. The common council of said city may cause sidewalks to be constructed, relaid or repaired whenever they may deem that the public interest requires it. Whenever said council shall order the construction or repair of such sidewalks a copy of such order shall be transmitted to the board of public works, and the said board shall without unnecessary delay advertise for bids for the construction or repairing of such sidewalks, or may furnish men and material and construct and repair such sidewalks without advertising for bids.

If the said board advertise for constructing or repairing such sidewalks the said board shall give at least ten (10) days' notice in the official paper, specifying the kind of walk, and repairs, if any, and may award the same to the lowest responsible bidder, who shall give bonds as for other public works, or the board may, after such bids are in, do said work under the charge of the city engineer if they deem said bid or bids too high or the party not responsible.

At the first (1st) meeting in each and every month, unless otherwise ordered by the common council, they shall give ten (10) days' notice, by two (2) publications in the official paper of said city, to the effect that at a certain time and place they shall proceed to make an assessment for constructing, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvements by streets.

The said board shall assess the amount, as near as they can ascertain the same, which will be required to defray the costs of such improvement, including the necessary expense of making and collecting the assessment upon the real estate or lots of land fronting on said improvement.

In making said assessment, the said expense and costs shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land fronting on said improvement as aforesaid. When said assessment is complete, the said board shall give ten (10) days' notice, by two (2) publications in the official newspaper of the city, to the effect that at a time and place therein specified said assessment will be confirmed, unless sufficient cause is shown to the contrary, and that objections must be filed, one (1) day before such time of meeting, with clerk of said board. Such objections shall be made and filed in the same manner, and the said board shall proceed in hearing the same, and have the same power to revise, correct, confirm or set aside such assessment or proceed *de novo*, as provided in section fifteen (15) of this chapter.

Said assessment, when confirmed, shall be final and conclusive, and no appeal shall lie therefrom. A warrant shall issue for the collection thereof, and said assessment shall be enforced and collected as other assessments made under this chapter; *Provided*, however, when the cost of building or repairing any sidewalk does not exceed ten (10) dollars, the same may be collected in the same manner as provided in section six (6), chapter eleven (11), relating to sprinkling streets, as hereinafter set forth; *Provided, however*, that nothing in the foregoing section shall be construed to prevent any property owner from constructing his or her own sidewalks, under the authority and direction of the city engineer; *Provided*, said sidewalks shall have been constructed before a sidewalk had been ordered in front of the property by the common council. In that case the property owner shall have no authority whatever in the premises to construct said sidewalks, but the same shall be built by the city, as provided by law, unless the board grant said property owner the right to build after the same has been ordered.

SEC. 23. Whenever an order shall be finally passed by the common council of said city, as hereinbefore provided, for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing or planking or laying out any street, levee, lane, alley or highway, or for keeping the same in repair, or for filling, grading, protecting, improving or ornamenting any public square, or for constructing area walls, gutters, sewers and private drains, the city recorder shall transmit a copy of such order of said council to said board of public works.

The said board of public works shall cause the said work to be let or done as hereinafter provided; and after the whole of said work shall have been placed under contract, as hereinafter provided, the

said board shall thereupon proceed without delay to assess the amount as nearly as they can ascertain the same, which shall be required to defray the costs of such improvement, including the necessary expenses of making such assessment, in proportion, as nearly as may be, to the benefit resulting thereto, in manner hereinafter provided; *Provided, however*, that the repairing of any street, lane, levee, alley, highway, public ground, bridges or sewers, the cost of which repairs is estimated not to exceed the sum of two hundred (200) dollars, may be done under the direction of said board, and the cost thereof shall be paid out of the general fund; *And provided further*, that nothing herein contained shall prevent the common council of said city from ordering the construction of one or more main sewers or culverts, in accordance with any general system of sewerage which said council may adopt.

SEC. 24. When in any case any portion of the cost and expenses of making any improvement mentioned in the foregoing section shall, by virtue of any valid law or ordinance or by virtue of any valid contract, be chargeable upon any railroad company, the amounts so chargeable may be assessed upon such railroad company, and the balance only upon the real estate benefited thereby, and the city may collect the amount so assessed upon said railway company, by distress and sale of personal property, in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought for that purpose; *Provided, however*, that any real estate belonging to said railway company and deemed benefited by said improvement shall be assessed as in other cases.

SEC. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-three (23) said board of public works shall give at least ten (10) days' notice, by two (2) publications in the official paper of said city, of the time and place of their meeting for the purpose of making such assessment; in which notice they shall specify what such assessment is for, and the amount to be assessed. The board shall also give at least four (4) days of personal notice to the same effect to all property holders interested, or their agent resident in the city of Mankato, known to said board and found; but the failure to give such personal notice shall in nowise affect the validity of such assessment or any of the proceedings. All persons interested in such assessment shall have the right to be present and be heard, either in person or by counsel, and the said board may, in their discretion, receive any legal evidence and adjourn if necessary from time to time and place to place. The personal notice required by this section may be made by depositing in the [Mankato] post office a postal card addressed to the property owners to be assessed, or their agents resident in the city of Mankato, at least four (4) days prior to the making of an assessment, upon which card shall be printed or written substantially what the personal notice by said section twenty-five (25) is now required to contain; but the failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

SEC. 26. When the said board of public works shall have completed their assessment, provided for in sections twenty-three (23) twenty-four (24) and twenty-five (25), they shall cause like notice to be given of the time and place when said board shall meet to hear objec-

tions and for the confirmation of such assessment, as hereinbefore required in relation to assessments for the condemnation of real estate; and objections shall be made in like manner and under the same regulations and conditions and all parties in interest shall have the same rights (except the right to appeal) and the said board of public works shall perform like duties and have like power in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate. When confirmed by the said board of public works said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be allowed or set aside, the board of public works shall proceed *de novo* to make another or new assessment in like manner and give notice as herein required in relation to the first.

SEC. 27. Whenever any public improvement shall be ordered for which an assessment is to be made, as aforesaid, the board of public works shall cause proposals for doing said work to be advertised for the official paper of said city, a plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first deposited with the clerk of said board, to be kept by him at all times open to public inspection; which advertisement shall be published twice at least in said official paper, and shall state substantially the work to be done. The bids for the doing of such work shall be sealed bids, directed to the board of public works of the city of Mankato, and shall be sealed in such a manner as they cannot be opened without detection, and shall be accompanied by a bond to the city of Mankato in a sum not less than twenty (20) per cent of the cost of the work according to the price bid, as nearly as can be ascertained, executed by the bidder and two (2) responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid, according to plans and specifications, in case the contracts shall be awarded to him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the city for the full amount thereof in any court having jurisdiction of the amount. Said bid shall be opened by the board at the next regular meeting after the time limited by said proposals, or such other time thereafter as said board may appoint, and it is hereby made the duty of the board of public works in case of default hereafter of any contractor to complete his contract with the city within the time limited in said contract, to cause suit to be commenced forthwith upon the bond executed and delivered to the city, in accordance with the provisions of this section, and it is made the duty of said board of public works to reject all bids for contract work made by any person or persons who shall have defaulted in any contract awarded by the board of public works after the passage of this act, or who shall have defaulted in any contract awarded by the board of public works under the amendment to the charter of the city of Mankato passed in eighteen hundred and eighty-nine (1889), except as to time, or who shall have refused to enter into contract after the same has been awarded to him or them.

SEC. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition and who shall have guaranteed to the satisfaction of

said board the performance of said work to the satisfaction of said board, except in the case of paving streets with patented pavement or pavements, when in such case the notice for bids may call for wood, stone or other kind of pavements, and when all the proposals therefor are in, the board may select the one which is relatively the lowest or most satisfactory, all things considered, and the decision of said board shall be final. If the pavement selected is patented the said board shall require a license from the patentee to lay and relay the same for all time thereafter, free of all claims of royalty. Whereupon a contract shall be made on the part of said board in the name of the city of Mankato and shall be executed on the part of the city by the president of said board or such of their members as said board may designate, and the seal of said board shall be thereto attached, and the said contract shall be countersigned by the city recorder. Said contract shall be filed in the office of the city recorder; *Provided, however*, the said board may reject any bid which they deem unreasonable or unreliable, and that said board, in determining the reliability of said other bid, shall consider the question of the responsibility of the bidder and his ability to perform his contract, without any reference to the financial responsibility of the sureties upon the bond; *Provided further*, that no contract shall be awarded except upon or by a vote of at least two-thirds ( $\frac{2}{3}$ ) of the members of said board in favor thereof; *And provided further*, that no contract shall be awarded except with the approval of the common council by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect thereof; *Provided further*, that if, during any year at any time of the completion of any contract made by said board of public works, there shall be no money in the treasury applicable to the payment of said contract after the allowance of any estimate, the city recorder is hereby authorized to issue a certificate of indebtedness for the amount due on said estimate, said certificate to be signed by the president of said board. Said certificate to be payable whenever there is money in the city treasury properly applicable to pay the same, with interest not exceeding seven (7) per cent per annum, payable semi-annually at the office of the treasurer of the city of Mankato. The faith and credit of the city of Mankato are and shall be irrevocably pledged for the payment of the principal and interest of said certificate.

SEC. 29. The said board of public works shall reserve the right in their said contracts in case of improper construction to suspend the work at any time and relet the same, or to order the entire reconstruction of said work if improperly done. In case where the contractor or contractors shall proceed to properly perform and complete the said contracts, the said board of public works, may from time to time, in their discretion, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen (15) per cent therefrom, which shall entitle said contractor or contractors to receive the amount which may be due thereon when there is money applicable to the payment of such work. When the whole work has been completed by such contractor or contractors to the satisfaction of the board of public works, the amount or balance due him or them shall be audited and allowed by the common council of said city and shall be payable out of the moneys applicable to the payment of such work. All estimates of the engineer of the board of public works for works done under any and all contracts, shall be

made out monthly and so allowed by the board of public works, and in no case shall semi-monthly estimates for such work be given or or allowed, except final estimates, which may be given and allowed at any time after the allowance of the preceding estimate.

SEC. 30. Two (2) or more of the notices required or authorized by this act to be given by the board of public works or the city recorder by publication in the official paper of the city in any special assessment proceedings may be comprised in one advertisement; *Provided, however,* such notices are of the same general character, or for like objects; *And provided further,* that in other respects the notice so published shall sufficiently comply with the essential statutory requirements, and the provisions of this section shall extend to and embrace all notices required to be given in the official paper of this city by the city treasurer, or the delivery to him of all special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon, provided for in this chapter; *Provided further,* that all notices required to be given by or under this act, or which may be or which are to be given under this act, by publication in the official paper, shall be deemed sufficient and legal if published on their regular publication day of said official paper.

SEC. 31. When any special assessment shall have been confirmed, it shall be the duty of the clerk of the board of public works to issue a warrant for the collection thereof, which shall be under the seal of said board and signed by the mayor and clerk of said board, and shall contain a printed or written copy of the assessment roll as confirmed aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal as provided for by section sixteen (16) said appeal shall not delay or affect the collection of the assessment under such warrant, except as to the property of such appellant appropriated aforesaid. And in case such appeal shall be sustained and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the board of public works shall make a new assessment as to the property of such appellant last mentioned, proceeding *de novo* as to the same, and in accordance with the provisions relating to improvements referred to in section seven (7); and in case the amount of damages or recompense which said board of public works may award such appellant upon such new assessment shall exceed the first, the board of public works shall make a new assessment upon the property benefited to pay the difference which may have been awarded appellant together with the costs and expenses of such new assessment.

SEC. 32. All warrants issued for the collection of special assessments shall be delivered by the recorder to the city treasurer within five (5) days thereafter, taking his receipt therefor.

SEC. 33. Upon the receipt of any warrant for the collection of special assessments the city treasurer shall forthwith give notice, by two (2) publications in the official paper for the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in the default thereof the same will be collected at the cost and expense of the person liable for the payment of such assessment.

SEC. 34. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof.

SEC. 35. If the assessment charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for any other improvements whatsoever under the provisions of this chapter, shall not be paid within thirty (30) days after the publication of notice by the city treasurer that he has received such warrant for collection, except in case it is on a collection warrant issued on or by reason of a reassessment, or a new assessment, in which latter case the notice that such warrant is in the treasurer's hands shall require payments to be made within ten (10) days after the publication, the assessment then remaining unpaid shall be collected, with interest at the rate of twelve (12) per cent per annum thereafter, until the same shall be paid. Upon all assessments paid prior to the expiration of said thirty (30) days, said treasurer shall deduct ten (10) per cent of said assessment.

SEC. 36. It shall be the duty of the city treasurer, immediately after the expiration of the thirty (30) days, or after ten (10) days on a reassessment or a new assessment warrant mentioned in the preceding section, to report to the court of Blue Earth county, at any general or special term thereof, or in vacation, all assessments warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots or parcels of land described in such warrants, for the amount of assessments, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice, by two (2) publications in the official paper of said city, of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made, and a brief description of the property against which judgment is desired, and require all persons interested to attend at said court at the time designated in said notice.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested, or their agents resident in the city of Mankato, if known to said treasurer and found, but the failure to give such personal notice shall in no wise affect the validity of the judgment applied for or any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay said assessment.

SEC. 37. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with an affidavit of the due publications thereof, from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court, at the said term, with said reports.

SEC. 38. The clerk of said court, upon the filing of such report of the city treasurer, shall receive and preserve the same, and shall annex thereto or file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate proceeding or suit, and shall be docketed by the clerk of said court in a suitable record book to be kept by him for that purpose, substantially in the following form, to-wit:



"The city of Mankato vs. .... certain lots of land ..... suit for assessment on warrant for ..... " or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is made, in which said record book the judgment when rendered shall be docketed; *Provided, however,* that the court may, by rule or otherwise, direct how and in what form such proceedings and judgments may be entered or docketed, and that further record, if any, shall be made thereof, and what paper shall be filed, and how kept and preserved.

SEC. 39. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have a priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports, for which no objection has been filed, for the amount of the assessment, interest, damages and costs are [due] severally thereon. The owner of any property described in said report, or any person beneficially interested therein who shall feel aggrieved by such assessment shall file in said court his objections in writing to the recovery of judgment against such property, and shall serve a copy thereof upon the city attorney at least five (5) days prior to the time designated in the city treasurer's notices, that he will apply for judgment as provided in section thirty-six (36) of this chapter. No objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except that the common council had no authority to order said improvement, or the board of public works had no authority to have said work performed, and no objections as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion in any matter in the furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistent with the demands of public justice, but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands, and shall issue for the same [sale] thereof the same as in all other cases. Upon the trial in the district court of an appeal from any assessment charged in any special assessment warrant, whether made by reason of the appropriations or condemnation of land, or for any other improvement whatsoever, under the provisions of this chapter, the court shall give to the official act of said board in making the assessment same weight, at least as evidence, as it would and should give to the testimony of an equal number of disinterested and specially qualified expert witnesses upon all questions considered and determined by the board in making such assessment.

SEC. 40. In all cases where judgment shall be rendered in default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

"WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense or show [cause] why judgment should not be entered

against the said lands, and other property, for the assessment, damages, interest and costs due and unpaid thereon.

"Therefore, it is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the city of Mankato for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon, and it is ordered by the court that the several lots, parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs annexed to them severally, be sold as the law directs."

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order adapted to the circumstances of the case shall be made and entered of record. One dollar and fifty cents (\$1.50) costs shall be laid to each lot or parcel of land against which judgment is rendered, and the further sum of one (1) dollar to each lot or parcel for advertising the notice of sale; *Provided*, that in all cases where a defense is interposed and not sustained, the court may direct, by special order, or by rule, such additional costs to be included in the judgment as may be deemed proper.

SEC. 41. It shall be the duty of the clerk of said court, within twenty (20) days after such order is granted as aforesaid, to make out, under the seal of the said court, a copy of so much of the said city treasurer's report as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court whereon which shall constitute the process on which all lands and pieces or parcels of land shall be sold for the amount of the assessments, interest, damages and costs so levied, assessed or charged upon them, and the said city treasurer is hereby expressly authorized and empowered to make the sale of such lands, lots, pieces or parcels of land or other property, upon ten (10) days' notice, by two (2) publications in the official paper of said city.

SEC. 42. The said advertisement, so to be published in each case of a judgment upon any collection, warrant or report as aforesaid, shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of judgment rendered thereon respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said city treasurer. The omission of the name of any owner or any mistake respecting the same shall not invalidate the sale, if the property be otherwise described with sufficient certainty.

SEC. 43. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections townships, ranges and parts thereof, the year and the amounts.

SEC. 44. Certificates of sale shall be made and subscribed by the city treasurer, duly acknowledged before a notary public or person authorized to take acknowledgments, and signed by two (2) witnesses, which shall be delivered to the purchaser, and which certificates of sale shall contain the names of the purchaser, a description of the premises sold, the amount of the judgment for which the same was sold, adding interest at the rate of twelve (12) per cent per annum from the day when judgment was rendered to the day of sale, and fifty (50)

cents costs on each description, or such other expenses as may be incurred by the city in selling the property, which judgment, interest and costs shall constitute the total amount for which the property shall be sold, which amount shall also appear in the certificate, and the time when the right to redeem shall expire. Said certificate shall bear interest at the rate of twelve (12) per cent per annum until paid. Said certificates shall state upon their face, in addition to what is now required by law, that "This certificate may be redeemed in five (5) annual installments, which shall become due and payable as follows: One-fifth ( $\frac{1}{5}$ ) of said certificate at the end of each one of the successive five (5) years next ensuing from the date of this certificate, together with the interest on the whole amount thereof unpaid at the maturity of each of said installments; *Provided*, that said certificate may be redeemed at any time before maturity upon the payment of thirty (30) days interest in addition to the interest which has already accrued; *Provided, however*, that property belonging to minors or to a lunatic, upon which city deeds have been or may be issued, can be redeemed while such disability continues by the guardian of such person filing with the city treasurer a certified copy of his appointment by the probate court as guardian of such person, together with an affidavit showing the facts showing said inability, whereupon the treasurer shall deliver to him a certificate of redemption upon the payment of the proper sum, which certificate of redemption, together with a copy of the appointment as guardian and affidavit aforesaid, shall be recorded in the office of the register of deeds, and shall be deemed sufficient to remove the cloud from such title by reason of such city deed.

SEC. 45. The person purchasing any lot or parcel of land shall forthwith pay the treasurer the amount of the judgment due thereon, and on failure so to do, the said property shall again be offered for sale in the same manner as if no sale had been made, and in no case shall the sale be closed until the payment shall have been made. If no bid shall be made for any lot or parcel of land the same shall be struck off to the city; and thereupon the city shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sale.

SEC. 46. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court, the interest, cost and expenses to be charged against each lot or description, as provided by law, the amount of the sale, to whom sold, or if struck off to the city, to whom transferred afterwards, with the amount of the transfer, and attach thereto a copy of the advertisement pertaining to the sale. The city treasurer shall keep this record on file in his office. Certified copies thereof may be furnished when desired.

SEC. 47. If at any sale any piece or parcel of land shall be sold to a purchaser or a piece or parcel struck off to the city, the same may be redeemed at any time within five (5) years from the date of the sale by any person having an interest therein, upon the payment of the amount for which the same was sold, with interest from the time of such sale at the rate of twelve (12) per cent per annum, in accordance with provisions of section forty-four (44) of this act, and upon terms and conditions as to installments therein provided, and any other assessment which may be made under or by virtue of this chapter

or the charter of the city of Mankato subsequent to the sale, with the interest accrued thereon, at the rate and payable in accordance with the provisions of section thirty-five (35). If the real estate of any lunatic or infant be sold under this chapter, the same may be redeemed at any time within one (1) year after such disability shall be removed. Redemption shall be made by the payment of the redemption money to the city treasurer, and upon such payment the city treasurer shall execute to the said redemptioner a certificate of satisfaction of said assessment, judgment and lien. Upon the return of the certificate of sale, or upon proof of its loss and the filing with the recorder of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser of his assigns, under the corporate seal of said city, signed by the mayor and recorder of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid.

The city treasurer shall, at least three (3) months before the expiration of the time for redeeming any lot or parcel of land aforesaid, cause to be published in the official paper of said city once a week for six (6) successive weeks a list of all unredeemed lots or parcels of land, specifying each tract or parcel, the name of the person to whom assessed, if any, and the amount of the assessment, charges and interest, calculated to the last day of redemption, due on each parcel, together with notice that unless such lots or parcels of land be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser; *Provided, however*, that before the holder of such certificate shall be entitled to a deed for said property he shall pay into the city treasury the cost of such notice to the expiration of the time of redemption. A memorandum of all deeds made and delivered shall be entered by the recorder in a book wherein such sales are recorded, and the fee of one (1) dollar may be charged by the recorder for every deed so issued; *Provided*, that nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been or may be levied upon such property under the general laws of the state. In case of redemption the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate, with the interest thereof so paid, is in the city treasury subject to his disposal.

SEC. 48. Such certificate of purchase shall be assigned by indorsement, and an assignment thereof shall vest in the assignee or his legal representatives all right and title of the original purchaser.

SEC. 49. Whenever it shall appear to the satisfaction of the recorder before the execution of the deed for any property sold for assessments that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the approval of the common council of said city, make an entry opposite to such property on his record of sales that the same was sold in error, and such entry shall be *prima facie* evidence of the fact therein stated; *Provided*, that where the sale shall have been made to any purchaser other than the said city, the common council of said city before approving of such entry shall first cause notice to be given by mail, or in such other manner as said council may direct, to the purchaser, his heirs, assigns or legal representatives, of the said proceeding; *And provided further*, that in case such entry is approved, the purchase money shall be refunded to the parties entitled thereto with interest.

SEC. 50. All deeds made to purchasers of lots or parcels of lands sold for assessment, or the record thereof, shall in all cases be *prima facie* evidence that all requirements of the law with respect to the same have been complied with, and of title shall be in the grantee herein after the time for redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall prove either that the court rendering the judgment, pursuant to which the sale was made, had not jurisdiction to render the judgment, or that, after the judgment and before the sale, such judgment had been satisfied, or that notice of sale as required by this act was not given, or that the piece or parcel of land was not offered at sale to the bidder who would pay the amount for which the piece or parcel was sold, or unless the action in which the validity of the sale shall be called in question be brought or the defense alleging its invalidity be interposed within one (1) year after the date of the sale, and in case any sale shall be set aside by reason of any defect in the proceedings subsequent to the entry of the judgment, the court so setting aside the sale shall have power in such case to order a new sale to be made as near as may be in accordance with the provisions of this act. That in any action heretofore or hereafter commenced, in which the validity of a deed under this act is brought into question, and on account of any irregularities the same shall be set aside, the party holding such deeds shall recover from the adverse party the amount paid for such deeds to the city with interest thereon from date of sale at the rate of twelve (12) per cent per annum. All deeds referred to in this chapter shall be admitted to record without prepayment of taxes and without the county auditor's certificate that the taxes have been paid.

SEC. 51. Any change made in the incumbent of the office of the city treasurer during the pendency of any such proceedings shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the recorder until such vacancy is filled by election or otherwise.

SEC. 52. All sales of property for the non-payment of assessments, provided for in this chapter, shall be made in the daytime at public vendue in the city of Mankato at the time and place stated in the notice of sale as prescribed in sections forty-one (41) and forty-two (42) of this chapter, and may be adjourned from day to day (Sundays excepted) until the whole is completed.

SEC. 53. Any city treasurer or other officer who shall, in any case, refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such refusal or neglect, be liable to said city individually and upon his official bond for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action of any court having jurisdiction of the amount thereof.

SEC. 54. No error or omission which may heretofore or may hereafter be made in the order or in the proceedings of the common council or board of public works, or of any of the officers of said city, in referring, reporting upon, ordering or otherwise acting concern-

ing any local improvement provided for in this chapter, or in making any assessment therefor, or in levying and collecting such assessment not affecting the substantial justice of the assessment itself, shall vitiate or in any way affect such assessment. The reports of the city treasurer and assessment warrants held by him, referred to in section thirty-six (36) of this chapter, shall be *prima facie* evidence that the proceedings up to the date of such warrants were valid and regular, and the certificate of sale issued, as provided for in this chapter, shall be *prima facie* evidence of the validity of and regularity of all proceedings up to the date of such certificates.

SEC. 55. No purchaser of lands or lots or other property sold for assessments, or his heirs or assigns, shall be entitled to a deed until he or they shall have paid all assessments made thereon prior or subsequent to the assessment under which such purchase was made. The amount of all such prior or subsequent assessments so paid by any such purchaser, his heirs or assigns, to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof, with interest at twelve (12) per cent per annum from the time of such payments or redemption, shall be refunded to such purchaser or be paid to the treasurer of said city for the use of such purchaser, his heirs or assigns, by the owner or other person entitled to redeem before any redemption shall be made, except as provided in the section next following.

SEC. 56. After any real estate shall have been bid in or struck off to the city of Mankato, and the time of redemption has expired, said city may enter upon such real estate and take possession thereof, and by its treasurer sell the same or the amount due on such special assessment, interest, penalty and costs, and a deed of the property so sold shall be executed in the same manner and by the same officers as provided in section forty-seven (47) of this chapter; *Provided, however*, that if any lot or parcel of land so struck off to said city shall be again sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser except the city for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment, with interest aforesaid at the rate of twelve (12) per cent per annum.

SEC. 57. All judgments rendered under this chapter upon said assessments shall bear interest at the rate of twelve (12) per cent per annum from the date thereof until paid.

SEC. 58. The city treasurer of said city may, at any time before or after the time of redemption has expired, assign any certificate of sale of property, so bid in by the city as aforesaid, to any person, by indorsement thereon, after payment by such person into the city treasury of the amount at which the same was so bid in, together with the amount of any prior assessment, with interest thereon at the rate of twelve (12) per cent per annum and costs; and such assignee shall have the right and title thereunder as if he had purchased the same originally at the sale, and shall be entitled to the deed as in other cases; *Provided*, that after the expiration of the time of redemption of any certificate of sale of property, if the same shall remain unredeemed, the common council, recorder and city treasurer, or a majority thereof, may authorize the city treasurer to sell, assign and transfer the interest of the city in and to any such certificate for such sum or price as to them may appear for the best interests of the city.

SEC. 59. In all cases where the assessment or any part thereof, as to any lots or parcels of land assessed under any of the provisions of the city charter, for any cause whatever, may be hereafter set aside or declared void by any court, the board of public works shall, upon notice thereof by the city treasurer, proceed without unnecessary delay to make a reassessment or new assessment upon all blocks, lots or parcels of land which have been or will be benefited by such improvement, to the extent of their proportionate part of the costs and expense thereof, as near as the same can be ascertained by the board of public works, as such reassessment or new assessment shall be made by the board of public works as near as may be in accordance with the law in force at the time such reassessment is made; and when the same shall have been made and confirmed by said board, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act. The fact that the contract has been let, or that such improvement shall have been in whole or part completed, shall not prevent such new assessment from being made, nor shall the omission of said board, before the first assessment, to furnish the council with a report that in their opinion property can be found benefited to the extent of the damages, cost and expenses necessary to be incurred thereby, or the omission of said board to furnish said council with a plan, section of profile of said improvement, constitute any objection to such reassessment or new assessment, or in any way prevent the board of public works from making such reassessment or new assessment, and no new order from the common council shall be necessary, in any case whatsoever, to authorize the board of public works to make a reassessment or new assessment. And in all cases where judgment shall be hereafter refused or denied by any court, or where any court shall set aside or declare void any assessment upon any lot or parcel of land, for any cause, the said lots or parcels of land may be reassessed or newly assessed, from time to time, until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvements as near as may be to the benefits derived or to be derived from such improvement as near as may be to the benefits derived, or to be derived from such improvements. In case the amount of such reassessment shall be less than the first (1st) assessment upon the lots and parcels of land reassessed, the deficit shall be paid out of the local improvement fund or general fund.

SEC. 60. If in any case the first (1st) assessment to pay for any local improvement which has heretofore been or shall hereafter be ordered by the common council, either before or after such improvement is completed, shall prove insufficient to fully pay for the same, whether said work was done before the passage of this act or otherwise, the board of public works shall, upon notice thereof from the city treasurer and without a further or new order from the common council, proceed without unnecessary delay to assess and reassess the same upon the property benefited, or which will be benefited until a sufficient amount is realized to pay the same. If too large an amount shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid if the council shall so order, it being the true intent and meaning of this act to assess and reassess upon the real estate benefited to the extent of such benefits for any deficiency over and above the first (1st) assessment which said improvement may cost,

whether the said improvement has heretofore been made or may hereafter be made under the act amending the charter of the city of Mankato passed in eighteen hundred and eighty-nine (1889), and no error or omission, whether jurisdictional or otherwise, shall prevent a reassessment to the extent of the benefits conferred by such improvement.

SEC. 61. In all cases where the treasurer shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceedings subsequent to the confirmation of such assessment, the said board shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which by reason of such irregularity or omission remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments therein specified in the same manner as near as may be as is prescribed by the provisions of this chapter; *provided*, as often as any failure shall occur by reason of such irregularities or omissions a new warrant may issue and new proceedings be had in like manner until such special assessment shall be fully collected as to each and every tract and parcel of land charged therewith.

SEC. 62. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended before final completion, by the failure of the contractor to perform the same or for any other cause, the common council may order the board to relet the unfinished portion of such work in the same manner, as near as may be, as provided in this chapter for the letting of contracts for public improvements, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

SEC. 63. Property owners may be allowed to construct streets and other public improvements upon or through their own property at their own expense, in such case and upon such terms and under such regulations as the common council may prescribe from time to time by ordinance.

SEC. 64. It shall be deemed personal notice, in all cases under the provisions of this chapter where personal notice is required, when the notice is served by delivering a copy, or by reading the same to the person to be notified, or by leaving a copy at his or her last usual place of abode, or at his or her place of business, with some person of suitable age and discretion, or by leaving such copy in a conspicuous place at his or her place of business in the daytime, if such person is absent therefrom.

SEC. 65. If the board of public works of the common council, in the carrying out of the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of improving or opening or widening streets, levees, alleys or public highways or sewers, not provided for, the common council may, by resolution, order such change or modification if such improvement to meet such unforeseen obstacles as the common council may deem equitable and just, upon the recommendation of the board of public works or on their own motion, either before or after the confirmation of any assessment, or before or after the letting or making of any contract to do the same, or at any time while the work is in progress, by a two-thirds (2/3) vote of the common council elect, and any additional expense occa-



sioned by such change or modification of the improvement may be included in the original assessment or raised by additional assessment upon the property benefited by such an improvement to the extent of such benefit; *Provided, however*, that no such work shall be done until ordered by the common council by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect;

*Provided further*, that in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible, by the board of public works causing a schedule to be made classifying the various kinds of work and material and fixing the price to be paid by the city for such work and materials as may become necessary but cannot be foreseen; which said schedule shall be approved by the board of public works and a copy thereof be signed by the bidder and attached to his bid, and the same shall be attached to and made a part of the contract; but no additional expenses shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacles. The said board of public works shall have the power to correct any error, omission or mistake in an assessment, either before or after the confirmation, up to the time the judgment may be obtained thereon, either as to the amount or as to the owner or description, so far as to conform to the facts and rights of the case as intended; and if, by reason of such error, omission or mistake, the assessment shall be reduced below the amount of money required to pay the costs and expenses of said improvement, the board of public works shall make a new assessment upon the property benefited to make up the deficiency, together with the costs and expenses of such new assessments; *Provided further*, that five (5) days' notice of the time and place of making such correction shall be given, in one (1) publication in the official paper of said city, unless the owner of the real estate affected be present and consents thereto. Said correction shall be entered of record, and a copy thereof filed with the city treasurer; *Provided further*, that if the expense required to overcome such unforeseen obstacles will materially increase the costs which would be incurred in the work if such unforeseen obstacles had not occurred, then the common council shall have power, by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect, to rescind the contract so far as the uncompleted part of the work is concerned, and it may, in their discretion, by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect, after such rescission, order the work to be relet as other work is let under this chapter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to the contract price, as nearly as the same can be ascertained, and no more.

SEC. 66. When a notice is required to be published in any newspaper under this chapter, an affidavit of the publisher or printer of such newspaper, or the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice taken from the paper in which it is published, and specifying the time when and the paper in which such notice was published, shall be evidence in all cases and in every court of judicial proceedings of the facts contained in such affidavit.

SEC. 67. The proceeds of all local improvement bonds heretofore or hereafter to be issued, and all moneys collected upon local improvements and property condemned for public use, shall constitute a fund known as the local improvement fund of said city. All contracts here-

tofore or to be hereafter made for local improvements, which are to be paid for by assessment under the provisions of this chapter, shall be paid for out of the local improvement fund, and such fund shall be kept inviolate, except as otherwise provided, for the payment of such contract. In the case of property condemned for public use, if, after the expiration of six (6) months after the whole assessment for the benefits of the improvement shall have been finally confirmed and determined, the said assessment shall have not been fully paid in, the common council of said city may, in its discretion, advance out of said local improvement fund sufficient to make up the deficit occasioned by such failure; *Provided, however*, that said advance shall in no case exceed twenty five (25) per cent of the damages to be paid upon such condemnation. Such advance shall be replaced in said improvement fund out of the assessment for such improvements which may be hereafter collected.

SEC. 68. If for any cause the proceedings of the common council, or board of public works, or any of its officers, may be found irregular or defective, whether jurisdictional or otherwise, the common council may order a new assessment from time to time and as often as need be until a sufficient sum is realized from the real estate benefited by such improvement to pay all costs, damages and expenses incurred thereby; it being the true intent and meaning of this act to make the costs and expenses of all public improvements provided for in this chapter, local to the city of Mankato, payable by the real estate benefited by such improvement, to the extent of such benefit; except that, in the case of sidewalks, the assessments shall be made as in such case provided.

SEC. 69. After judgment shall be ordered to be entered against any lot or real estate for the non-payment of assessment the same shall not be opened or set aside except for mistake in entering the same or in ordering the same to be entered, any provision of the general laws of the state of Minnesota to the contrary notwithstanding.

SEC. 70. It shall be the duty of the board of public works, in estimating the benefits of [to] any particular piece, lot or parcel of land, to take into consideration the nature of the owner's interest therein, the form and position of their several parcels of land, the qualified rights of the owner in reference to its employments and other circumstances which render the proposed improvement more or less beneficial to him or them; and the determination and assessment or estimate of benefits of said board shall be final, except where an appeal is expressly allowed under this act.

SEC. 71. If in the opinion of the board of public works any work under any contract does not proceed each month so as to insure its completion within the time named in the contract, the said board shall have power to furnish and use men and material to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due him or to become due to such contractor, or may be collected from him in a suit by said city.

SEC. 72. The register of deeds shall not record any deed from a private person or private corporation unless there be indorsed upon such deed a certificate of the city treasurer that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds shall be a misdemeanor and be punished by a fine not exceeding double the amount of the unpaid assessment. It

shall be the duty of the city treasurer, upon the application of any person interested in such deed, where the assessment has been paid and not otherwise, to make such certificate free of charge; but the said city treasurer shall not certify that said assessment has been paid in any case where the property has been purchased by the said city at the sale provided for in this act, and the time of redemption has not expired and the city still holds the certificate of sale.

SEC. 73. The following forms of orders shall be deemed sufficient:

#### FORM NO. 1.

It is hereby ordered by the common council of the city of Mankato, that the matter of ..... be and the same is hereby referred to the board of public works to investigate and report.

*First*—Is this improvement proper and necessary?

*Second*—Give the council an estimate of the expense thereof, and whether state one-half ( $\frac{1}{2}$ ) of the costs thereof is to be paid into the city treasury before the contract is let.

*Third*—Can real estate to be assessed for said improvement be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby? If not, what proportion of the costs and expenses should be paid by the city at large?

*Fourth*—Is such improvement asked for upon the petition or application of the owners of a majority of the property to be assessed for such improvement?

*Fifth*—Send the council a plan or profile of said improvement as required by law, if you report in favor of the same.

*Sixth*—Send the council a proper order directing the work to be done.

#### FORM NO. 2.

It is hereby ordered by the common council of the city of Mankato: That the board of public works of said city of Mankato cause the following improvements to be made, to-wit:.....

.....

.....

That said board shall cause said work to be let by contract as provided by law; *Provided, however*, that should said board recommend the said improvement to be done by day's work, instead of by contract, and said council by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen elect, shall approve the recommendation of said board, then the council shall order the same to be done by day's work. As soon as said work is placed under contract, or is commenced by day's work, said board shall proceed without delay to assess the amount, as nearly as they can ascertain the same, which will be required to pay the damages, costs and necessary expenses of such improvement upon the real estate to be benefited by said improvement, as provided by law, it being the opinion of the common council that the real estate to be assessed for such improvement can be found benefited to the extent of..... per cent of the damages, costs and expenses necessary to be incurred thereby.

## FORM NO. 3.

It is hereby ordered by the common council of the city of Mankato: THAT, WHEREAS, the common council is officially advised that upon the application of the city treasurer to the district court of Blue Earth county, Minnesota, for judgment against the following lots, blocks and parcels of land heretofore assessed by the board of public works for ..... judgment was denied to said court, to-wit:.....

.....

.....

.....

Wherefore, the board of public works of the city of Mankato are hereby ordered to reassess the aforesaid lots and parcels of land for their proportionate part of the costs and expenses of such improvement, not exceeding the benefits accruing to such lot, block or parcel of land from such improvement, and proceed therein in the mode and manner prescribed by law, it having been made to appear to the council, and it being the opinion of said council, that said lots and parcels of land have been benefited by such improvement.

SEC. 74. That hereafter no public improvement which requires an assessment to be made on property to be benefited shall be ordered by the common council, except as hereinbefore provided in section five (5) of this chapter, unless at least a majority of the board of public works shall recommend the making of such improvements, except orders for sidewalks and street sprinkling and for sewerage and laying a water main.

SEC. 75. In the assessment of damages and benefits for the opening of any street or alley it shall be lawful for the board of public works, in their discretion, in making such assessments, should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of letting such building remain upon such land taken as aforesaid for such time after the recommendation [condemnation] as they may deem for the best interest of the city, and if they shall determine to let the building remain on said land for any given period, then they shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum, when ascertained, shall be deducted from the damages awarded for such building.

SEC. 76. In addition to the bonds required by the city charter of persons contracting with said city to do any work, labor, or furnish material, before any contract for the doing of any work, labor, or for furnishing any material to or for said city, shall be binding and valid as against said city, said contractors shall enter into a bond with the city of Mankato for the use of all persons who may do work or furnish material thereon, pursuant to any contract between said contractors and said city, conditioned for the payment of all just claims for such labor, work or material as they become due under said contract, which bonds shall be in such an amount not less than the contract price agreed to be paid for the performance of said contract, and with such sureties as shall be approved by the mayor and president of the board of public works and shall file the same in the office of the city recorder of Mankato.

SEC. 77. Whenever the board of health shall report to the common council that stagnant or impure water stands upon any lot, lots

or parcels of land, thereby creating a nuisance injurious to public health, the common council may refer said report to the board of public works. Upon such reference said board shall then proceed to investigate the same, and if they shall determine that a nuisance thus exists by reason of any stagnant or impure water standing upon any lot, lots or parcels of land, and that the same is injurious to the public health, they shall report to the common council, accompanied by a plan for the abatement of said nuisance, together with an estimate of the expense, if real estate be assessed for said improvement be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, and also send to the common council a proper order directing the work to be done. And after the common council shall order the doing of said work the same proceedings shall be had in relation thereto by the board of public works and city treasurer as in other cases of other local improvements as provided for in this chapter.

SEC. 78. It is hereby made the duty of the board of public works, at their first meeting after the approval by the common council of any contract let by the board of public works for any public improvement for which an assessment is to be made, to proceed without any unnecessary delay to the completion and confirmation of the assessments for the benefits, costs and expenses of said improvements.

SEC. 79. When the costs and expense of any of the following improvements, viz.: a change of grade, a condemnation of land for a street, public market, levee, alley or park, or a condemnation of any easement of land for slopes in cuts or fills, does not exceed the sum of two hundred dollars (\$200), the assessment therefor may be paid out of the general fund of the city.

## CHAPTER VII.

### FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such manner, and of such material as, in the judgment of the council, shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power by resolution to order any building, structure or material therefor hereafter erected, of which the construction or material may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may

see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars (\$100), which may be imposed by the judge of the municipal court of the city of Mankato upon the complaint of any citizen as prescribed by law.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and fire apparatus used in or about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and alleys.

To require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire.

To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires.

To regulate and prevent the use of firearms and fireworks.

To compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same.

To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishing of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishing of fires as the common council may deem expedient.

SEC. 3. The common council shall have the power to purchase fire engines and all other apparatus which may be required for the extinguishing of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company, which may be authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries and from military duty during the continuance of such membership. The common council may make such provisions for the compensation of firemen, or for the purpose of supporting and keeping up organizations of firemen, as they may see fit.

SEC. 4. The common council shall annually appoint a chief engineer of the fire department of said city, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define the respective works and duties of such chief engineer and other officers and men and their compensations. The chief engineer shall nominate for the approval of the common council all other officers and men connected with such department, and may at any time, by and with the consent of the standing committee on fire department of the common council, remove or discharge such officer or men as he may deem it for the interest of the city to discharge.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful to the officer giving such order to arrest, or to direct any constable, police officer, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such

fire shall be extinguished, and in the same manner may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing to obey shall be liable to such punishment as the common council may prescribe, not exceeding a fine of fifty dollars (\$50).

SEC. 6. The chief of police and such other police officers as he shall designate shall act as fire marshals of said city, and may divide the city into fire districts for their own convenience, and see that the ordinances of the city relating to the building of and care of chimneys, and the taking of all other precautions against danger from fire are not violated. And the chief of police, and such other police officers as have been by him designated, shall have power and be fully authorized to enter any dwelling house or other public buildings at all hours, between seven (7) o'clock in the morning and six (6) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such building, and see that the ordinances of the city respecting the same are enforced.

## CHAPTER VIII.

### LIGHTING STREETS.

SECTION 1. The common council shall have authority to contract with any persons or corporations for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

SEC. 2. The common council may permit the laying of such gas pipes in any and all streets, alleys, highways and public grounds of the city, but in all cases the common council shall regulate the laying of the same so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipes to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

SEC. 3. The common council may erect and maintain an electric plant, and erect poles in the streets, alleys and public grounds and string wires thereon, and light the city and public buildings, and furnish light for private parties, upon such terms and conditions as shall be prescribed by said council.

In order to carry out said system of lighting said city, and putting in said electric plant, if authorized to do so by a majority of the electors of said city who at any general or special election may have voted on the question of issuing such bonds, may issue the bonds of the city, in amount not exceeding ten thousand (\$10,000) dollars, to run such length of time and to bear such rate of interest (and not to exceed five per cent per annum) as the common council may determine. Any such election for voting on said question may be called by the common council at any time when in their judgment the public necessities require it.

## CHAPTER IX.

## TITLE I—WATER WORKS AND SEWERS AND CONTRACTS THEREFOR.

SECTION 1. The city council shall have power to maintain the water works and sewers now established in said city, and to enlarge, extend and improve the same, or to contract for a new system of water works and sewers, at any time when the said common council shall see fit so to do.

SEC. 2. Whenever, in doing any act under section one (1) of this chapter authorized therein to be done it shall, in the judgment of the common council, be necessary to take any private property, consisting either of land, buildings, water power or other private property, the common council shall have power to acquire the same by purchase or by condemnation, in the manner in this act provided, and in such case of condemnation, as well as purchase, a full title in fee simple for the property acquired shall rest in said city.

SEC. 3. Sewers connected or intended to be connected with such general system or systems of sewerage may, from time to time, be ordered by said council to be constructed by the board of public works of said city, in the same manner and under the same regulations as in the case of other local improvements of said city.

SEC. 4. The costs of constructing, altering or repairing any of the sewers or improvements herein provided for or referred to, as nearly as can be ascertained, together with the necessary expenses of making the assessment, shall be assessed by the board of public works of said city upon the real estate benefited thereby, and enforced and collected in the manner and under the regulations provided by law for other local improvements of said city; *Provided, however*, that the common council may order the constructing, altering or repairing of sewers, or such part of them, or such proportion of the cost thereof, as the council may deem expedient, to be paid by the city at large out of the sewerage bond fund or general fund.

SEC. 5. The board of public works shall have power to prescribe the conditions upon which sewers may be tapped, and to grant licenses therefor, and power to suspend or revoke the same. Said board shall also have the power to grant licenses to drain and sewer contractors, and to any person or persons desiring to make an excavation of any kind in any of the streets, avenues, levees or alleys of said city, and to suspend or revoke the same. Said board shall prescribe the amount to be paid for such licenses (the amount of the bond required to be given shall be as hereinafter provided), and shall also prescribe such regulations for excavating streets, avenues, levees or alleys, for tapping and making connections with sewers, and for the protection and maintenance thereof, and also for the granting of licenses to drain and sewer contractors or other persons, and shall impose such penalties as a punishment for any infraction thereof, as they, the said board, may deem necessary and proper. No plumber or other person shall be permitted to tap or make connections with any sewers, or to make any excavations whatsoever in any of the public streets, avenues, levees or alleys of said city, without having first obtained from the board of public works a license therefor. An application for any license provided for in this section shall be written and signed by the applicant



and addressed to the board of public works. Said application shall be accompanied by a bond in the sum of two thousand dollars (\$2,000), running to the city of Mankato, executed by the applicant as principal, and two responsible and satisfactory sureties, conditioned that such excavation and tapping or connecting with sewer shall be made in accordance with the regulations prescribed by the board of public works for street excavations and sewer connections; and also further conditioned to save the city harmless from all damages, loss, cost and expense to which said city may be subject by reason of such excavation and sewer connections. Said bond shall be approved by the corporation attorney and the president of the board of public works and filed with the city engineer. No person or corporation, whether licensed or otherwise, shall make any excavation whatsoever in any public streets, avenues, levees or alleys of said city without having first obtained from the engineer of the board of public works a permit therefor. Any violation of the provisions of this section by any person, or persons or corporation, shall be deemed a misdemeanor, and any person or corporation convicted thereof upon a complaint therefor shall be punished by a fine of not less than ten (\$10) dollars nor more than fifty (\$50) dollars; *Provided however*, that gaslight companies, street railway companies, telegraph, telephone and electric light companies may be permitted to take out a season permit to make excavations upon such terms and conditions as shall be prescribed by the regulations of said board of public works. All licenses to tap or make connections with sewers or water mains and plumbers' licenses, granted prior to the passage of this act, are hereby declared null and void.

SEC. 6. Whenever the common council shall determine to construct water works, it shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds in the city or outside of said city. And said council shall have the right to condemn land for pumping stations, reservoirs, and such other lands as may be necessary to perfect and carry out a complete system of water works for said city, and like proceedings shall be had by the common council and the board of public works, for the condemnation of any such lands, as are now had for taking property for opening, widening or extending any street or alley in said city.

SEC. 7. In addition to all the other powers conferred upon said board of public works, they are authorized to and shall assess upon each and every lot and parcel of land in the city of Mankato that is lawfully assessable and in front of which water pipes or mains are laid an annual tax or assessment of five (5) cents per lineal foot of the frontage of such lot or parcel of land, and which shall be a lien upon such lot or parcel of land, and shall be collected as hereinafter provided; *Provided, however*, that lots or parcels of land situated in the corner of any block in said city shall in no case be assessed per lineal foot as above, but upon the frontage of but one side of said lot or parcel of land, and it shall lie in the discretion of said board of public works in each case as to which frontage of said lot or parcel of land said tax or assessment shall be levied; *And provided further*, should water pipes or mains be laid along but one side on any corner lot or parcel of land the board of public works shall have the power and is hereby authorized, in its discretion, to levy said annual tax per lineal foot, either upon the side or end frontage of the same, as to them may seem equitable and just in the premises, all things considered.

SEC. 8. The said board of public works shall make up, on or before the first (1st) day of November in each and every year, a detailed statement, duly certified by the president and clerk of said board and under the seal thereof, for the tax or assessment described in the foregoing assessment for the year preceding and ending on the first (1st) day of October, which statement shall be transmitted to the county auditor of Blue Earth county as delinquent taxes for collection, whereupon it shall be the duty of the county auditor to extend the same on his rolls against the said property in said statement as aforesaid, for collection, and if not paid within the time prescribed by law, then the same shall become a lien upon said real estate, and said real estate shall be subject to all penalties and charges as property delinquent for taxes for county and state purposes. All moneys collected or paid into the treasury of Blue Earth county, on account of said assessment for taxes, shall be paid over from time to time to the city treasurer of Mankato to be placed to the credit of the water works fund.

SEC. 9. The common council, in order to carry out the system of general sewerage or water works in said city, if authorized to do so by a majority of the electors of said city, who, at any general or special election, may have voted on the question of issuing bonds, may issue the bonds of said city for an amount not exceeding thirty-five thousand dollars (\$35,000), and the like amount for water works. Such bonds to run such length of time and to bear such rate of interest (not exceeding five (5) per cent per annum) as the common council may determine. Any such election for voting on said question may be called by the common council at any time when in their judgment the public necessity require it.

SEC. 10. It shall be the duty of the board of public works to see that proper drains or sewers are constructed from every lot in said city, and that proper connections are made with the water mains from every lot in said city in front of which sewers and water mains are laid, which in their judgment requires it, and that such private drains and sewers and water connections are made to communicate with the public sewers and water mains in a proper manner; and that they shall have power to require such number of private drains and sewers to be constructed as, in the interest of health and cleanliness, they shall deem necessary.

SEC. 11. Said board shall prescribe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into public sewers, and shall determine the manner and plan of connection of the same. The work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders, but the costs of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewers shall be constructed.

SEC. 12. The said board shall have at their office, ready for the parties interested, the specifications of any private drain or sewers so ordered to be constructed, and they shall give to the lot owners six (6) days' notice in the official paper to construct the same, designating therein a reasonable time within which the work shall be completed, and in case any lot owner neglects to do the work required of him to be

done, within the time specified in said notice, they shall advertise for proposals and let the same by contract.

SEC. 13. Any person who has taken such contract from said board to construct a private drain or sewer from any lot shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress and egress upon the same men and teams for that purpose, and to deposit all the necessary building material, and generally to do and perform all things necessary to complete the execution of the work.

SEC. 14. No private drain shall be connected with any sewer, nor shall any private connection be laid [made] with any water main or pipes, without the said board first issuing their order or permit for such connection.

SEC. 15. No action shall be maintained against the said city on account of any injuries or damages to persons or property received, because of defects existing in the condition of any highway, bridge, street, sidewalks or thoroughfare in said city; unless the grade of such street or highway, upon which such injury happened, has been established by the common council of said city, or under its direction, and not unless such action shall be commenced within one (1) year from the happening of the injury complained of, nor unless a notice shall have been first made in writing and served upon the mayor of said city within thirty (30) days after the happening of such injury, exclusive of the day of such service; stating therein the place received, and that the person so injured will claim damages for such injury of the city. But the notice shall not be required when the person so injured shall, in consequence thereof or for other cause, be bereft of reason during all the time within which such notice is required herein to be made. Such defects, for which notice is required as aforesaid, shall embrace, not only defects in streets affecting the public as travelers, but for any defects affecting owners or occupants of property fronting on such streets or sidewalks, and shall include defects of every nature whatsoever.

SEC. 16. In the prosecutions of said actions against said city for personal injuries growing out of defective or poorly constructed sidewalks, it shall be necessary, in order to maintain said action, for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than thirty-five (35) days immediately prior to the time of the happening of the injury, or that the said city had actual notice and knowledge of such defects of want of repair at the time such injury happened.

SEC. 17. In all cases in which any person, company or corporation shall negligently or carelessly, or without regard for the rights of the public, do or cause to be done, or omit to do, any act or thing, whether in his or its own behalf or not, including contractors with said city, by means or because of which negligent acts or omissions of any such person, corporation or company, injuries have resulted, and for which injuries so caused the said city would be liable in damage to the party so injured, such person, company or corporation, and in case of contractors with said city they alone, or they or corporation, so injured for all damages not caused by or contributed to by the negligence of the party injured, of whatever kind such injuries be or to whomsoever resulting. And no action shall be maintained against said city for such damages unless such person, company or corporation, and in case of contractors

with said city giving bonds, themselves and their bondsmen, be joined as defendants in said action. And in case of judgment against the defendants in such action, execution of judgment shall be first issued against the defendants whose negligence first caused injury, or against such defendant and his bondsmen alone, and the city shall not be required to take any steps to pay such judgment until such execution shall be returned unsatisfied. If the said city shall pay such judgment, it shall become the owner of the same and may enforce payment of the same from the other defendants and shall be entitled to execution thereon against said defendants to take such of the [other] proceedings as judgment creditors are entitled to take in such actions.

SEC. 18. The common council shall have the exclusive power to vacate or discontinue public streets, lanes, alleys or highways, or any portion thereof, in said city, but no such vacation or discontinuance shall be granted or ordered by the common council except upon a verified petition in writing of one or more of the owners of real property on the line of the street, lane, alley or highway. Such petition shall state the reason for such vacation, and briefly describe the street, alley, lane, or portion thereof, desired to be vacated. The common council, upon presentation of such petition at any special or regular meeting of the same, and if it be deemed expedient that the matter shall be proceeded with, shall order such petition to be filed with the city recorder, who shall immediately make and publish in the official paper of the city a notice for the period of two (2) successive weeks, at least once in each week, stating that such petition has been filed with the city recorder and its object in brief, and that such petition will be heard and considered by the common council at a certain time and place specified therein, which time and place shall be fixed by the common council at the time of the acceptance of such petition, and the time of hearing such petition shall be fixed within fifteen (15) days after the expiration of the time of publishing the same. The common council at the time and place appointed shall investigate and consider the subject involved in said petition, and, if they desire, shall view the premises, and shall hear testimony on either side, or both sides, if offered. The common council, after hearing such petition, may, by resolution passed by a two-thirds ( $\frac{2}{3}$ ) vote of its members, grant the prayer of the petition, and order and declare such street, alley, lane or highway vacated and discontinued. Upon the passage of such resolution and the approval thereof by the mayor, as in other cases, and upon the same being countersigned by the recorder, it shall be published once in the official paper of said city.

A copy of such resolution, duly certified by the recorder, shall, immediately after such publication, be filed with the register of deeds of the county of Blue Earth and duly recorded in his office.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless, at such subsequent meeting, there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two-thirds (2/3) of the aldermen elect.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant or complaint being made; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the city of Mankato, but the person or persons so arrested may be proceeded against, tried, convicted, and punished or discharged, in the same manner as if the arrest had been made by a warrant. All warrants, processes or writs by the municipal court, for the violation of any ordinance and by-laws of said city, shall be directed by to the sheriff or any constable of Blue Earth county or chief of police or any police officer of said city.

All actions or proceedings for any violation of the provisions of this act, or of the ordinances, by-laws or police or health regulations made in pursuance thereof, or to recover any penalty or forfeiture thereunder, shall be brought in the corporate name of the city; *Provided*, that the style of all processes shall be: "The State of Minnesota."

SEC. 4. In all cases of the imposition of any fine or penalty by the municipal court of said city, pursuant to any statutes of the state of Minnesota or pursuant to an ordinance or by-law of the said city of Mankato, as punishment for any statutory offense, or for the violation of any ordinance or by-law as aforesaid, upon default of payment of such fine, the offender shall be forthwith committed to the city prison or, if there be no city prison, to the common jail of Blue Earth county and be there imprisoned for a term not exceeding ninety (90) days, in the discretion of the municipal court, and from the time of the arrest of any person or persons for any offense whatever until the time of trial, the person or persons so arrested not giving bail may imprisonment in the city prison, or, if there is no city prison, in the common jail of the county of Blue Earth.

SEC. 5. No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 6. All ordinances and regulations heretofore made by the common council of said city of Mankato, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the common council of said city, after this act shall have gone into effect.

SEC. 7. Any and all moneys, fines and properties in the hands of any officer of the city of Mankato, or belonging to said city, shall continue the property of said city, anything herein to the contrary notwithstanding.

SEC. 8. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer, by leaving a copy of such process with the mayor or acting mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

SEC. 9. The said city may purchase and hold real and personal estate for public parks, city hall, engine houses, and for all other public purposes, sufficient for the convenience of the citizens and inhabitants of said city, and may sell and convey the same, and the same shall be free from taxation.

SEC. 10. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 11. The city of Mankato shall be liable for the board and jail fees of any person who may be committed by any officer or magistrate of said city to the jail of the county of Blue Earth, for the violation of any ordinance or by-law of said city; but such board and jail fees shall not be more than allowed by law for other prisoners confined in said jail.

SEC. 12. The mayor, by and with the advice of the common council, shall appoint a poundmaster, who shall have the same authority as police officer in enforcing the ordinances of said city against cattle or other animals running at large and for impounding the same.

SEC. 13. The common council may, from time to time, provide for the compilation and publication of the ordinances of the city and such resolutions as may be designated, and for the distribution or sale of copies of such compilation, in its discretion; and may also provide for exchange of such printed compilations for similar publications of other cities.

SEC. 14. The common council of said city may employ such attorneys or counselors, from time to time, as they may see fit, to assist the city attorney and to perform any professional business in behalf of said city that may be assigned them by the common council, and may provide for paying for all such services, so heretofore or hereafter rendered to said city.

SEC. 15. All bonds for the payment of money issued by said city shall be under the seal of said city, and shall be signed by the mayor and countersigned by the city recorder, and shall upon their face express the object for which they are issued.

SEC. 16. Whenever any party is joined with said city as codefendant in any action for personal injury, or otherwise, brought against said city, and for which provision has been made in this act, and such a party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant by publication, upon like evidence and in the same manner as prescribed by general law for service by publication in other actions.

SEC. 17. No railway company or street railway company shall have any right, in cleaning their tracks through any part of the city, to pile up snow or other material and leave the same piled on any traveled portion of any street in said city. Any such company shall be liable, to any person who shall be injured because of any such obstruction so left by such company or its servants, for all damage sustained and in case of any damages shall be recovered against said city for injury caused by such construction, the city shall have the right to recover such damages from the company by whom the obstruction was caused.

SEC. 18. The common council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city whenever it shall deem the safety of the city requires it.

SEC. 19. The common council shall have power to establish grades of streets, and, by a two-thirds ( $\frac{2}{3}$ ) vote of all its members, change the grade of any street now established or that shall hereafter be established. It shall keep accurate profiles of the grades of all streets so made in the office of the city engineer.

SEC. 20. The salaries of all officers of said city shall be payable monthly.

## CHAPTER XI.

## STREET SPRINKLING.

SECTION 1. The common council shall have power to sprinkle the streets, avenues, levees, lanes, alleys, parks and other public grounds of said city, or any part thereof.

SEC. 2. The board of public works shall annually cause proposals to be advertised for, in the official paper of said city, in the same manner and for the same length of time as in the case of other public improvements, for the sprinkling of any and all streets, avenues, levees, lanes, alleys, parks, or other public grounds or any part thereof, which may be ordered sprinkled by the common council in each year. General plans and specifications, applicable to all sprinkling that may be ordered done during the year by said common council, shall be made and filed with the clerk of the board of public works at least ten (10) days before the day named for the receipt of said bids by the board of public works, and the sprinkling shall be let and placed under contract in the same way and manner as is now provided by law for other local improvements provided for in this act, except that the bid for sprinkling shall be accompanied by a bond to the city of Mankato in the sum of one thousand (\$1,000) dollars, executed by the bidder and two (2) responsible sureties, conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid, according to the plans and specifications, in case a contract shall be awarded him. And in case of default on his part to execute the contract and perform the work, said bond may be sued, and judgment recovered thereon by said city for the full amount thereof, in any court having jurisdiction of the amount.

SEC. 3. Contracts for sprinkling shall be awarded to the lowest reliable and responsible bidder to perform his contract without regard to his sureties; *Provided, however*, that the board of public works may reject any and all bids which they shall deem either unreasonable or unreliable; *And provided further*, that no contract shall be awarded except with the approval of a majority of the members elect of the common council. Said bond may be sued and judgment recovered thereon by the said city, for the full amount thereof, in any court having jurisdiction of the amount.

SEC. 4. The common council of said city may order sprinkling to be done whenever and wherever they deem the public interest, for sanitation or other cause, requires it, without a reference to the board of public works for a report upon the necessity or propriety thereof; *Provided*, that every such order for sprinkling shall be by resolution, and that every such resolution shall lie over until the next regular meeting next held after its introduction; and if after that time a remonstrance against the passage of such resolution shall be presented to the common council, signed by a majority of the owners of lots or parcels of land fronting or abutting on the street or part of street proposed to be sprinkled, actually occupying such lot or lots, parcel or parcels of land, then such resolution shall be indefinitely postponed, unless passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members of said council.

SEC. 5. At any time after said contract is let for sprinkling, as aforesaid, and before the first (1st) of September following, the said

board shall give at least ten (10) days' notice, by two (2) publications in the official paper of the city, to the effect that, at a certain time and place, they will proceed to make an assessment for sprinkling. Said notice shall briefly describe the street or streets, or parts thereof, sprinkled. The said board shall assess the amount, as nearly as they can ascertain the same, which shall be required to defray the costs of such sprinkling, including the necessary expense of making and collection such assessments upon the real estate or lots of land fronting on said improvement, without regard to the cash valuation thereof or whether the same shall be improved or otherwise; *Provided, however*, that the common council may pay fifty (50) per cent or any lesser amount of the cost of such sprinkling out of the general fund of said city, if so ordered by a majority of the aldermen elect before said assessment is made. In making said assessment the said expenses and costs shall be apportioned *pro rata* upon the lineal feet of said real estate or lots of land fronting on said improvement aforesaid; *Provided, however*, the Board may apportion an amount not exceeding one half ( $\frac{1}{2}$ ) the costs of sprinkling cross streets upon all the lots bounded by such cross streets.

SEC. 6. The said board shall make a detailed statement, duly certified to by the president and clerk of said board and under seal thereof, for the tax or assessment described above for sprinkling streets, alleys and public grounds, and deliver the same to the auditor of Blue Earth county before the first (1st) day of November of each year. It shall be the duty of the county auditor to extend the same on his rolls against the said property in said statement as aforesaid for collection, and if not paid within the time prescribed by law, then the same shall become a lien upon said real estate, and said real estate shall be subject to all the penalties and charges as property delinquent for taxes for county and state purposes. All moneys collected or paid into the treasury of Blue Earth county on account of said assessment or tax shall be paid over from time to time to the city treasurer of Mankato to be placed to the credit of the sprinkling fund.

SEC. 7. Whenever the said contractor shall fail to do and perform the sprinkling contract to be done by him, within the time designated by said board of public works, or in accordance with the terms and provisions of his contract, the said board of public works shall have power to furnish and use men and material to complete the work and charge the expense to the contractor, and the same shall be deducted from any money due him or to become due such contractor, or may be collected from him in a suit by said city, or said board of public works may readvertise for bids for the completion of the unexpired term of said contract, and let a contract in the same manner as hereinbefore provided in the original contract. In case the said contractor shall proceed to properly perform and complete his said contract and all the provisions, clauses, matters and things therein contained, the said board of public works may, upon said contractor filing with the city engineer an affidavit that all the work and labor for which an estimate is asked is fully paid for, from time to time, as the said work progresses, grant to said contractor, every thirty (30) days, an estimate of the amount already earned, reserving, however, fifteen (15) per cent therefrom; *Provided, however*, that said fifteen (15) per cent shall be included in the final estimate allowed said contractor.



## CHAPTER XII.

## SINKING FUND.

SECTION 1. The mayor, recorder, treasurer and chairman of the committee of the ways and means of the common council of the city of Mankato shall constitute a board of sinking fund commissioners, of which the mayor shall be president, the recorder secretary and the treasurer treasurer.

SEC. 2. There is hereby created a sinking fund for the said city, the proceeds of which shall be appropriated exclusively to the purchase of bonds issued by the city. Said fund shall consist: *First*—Of the surplus remaining in the treasury at the end of each fiscal year after the payments are made, or appropriated amounts set aside for the payment of either principal or interest on bonds issued by said city of the moneys received for that purpose. *Second*—The proceeds of all delinquent taxes levied for the same purpose. And the common council may, from time to time, direct the treasurer to place the said money so derived to the credit of the sinking fund, and shall, in the month of April in each year, if not sooner done, cause said money mentioned in this section to be placed. And, *third*—The common council are hereby required to levy annually, on all the taxable property of said city, not more than two (2) mills on a dollar of the assessed valuation, which money, as fast as received, shall be placed to the credit of the sinking fund.

SEC. 3. The board shall, from time to time, when money in suitable amounts is placed to the credit of the sinking fund, invest the same in the outstanding bonds of the city; *Provided*, the same can be purchased at not more than the market price, not exceeding the par value thereof. And if at any time such investment cannot be made at par or less, then the said board shall be authorized to invest said moneys in bonds of the state of Minnesota or in United States bonds. And whenever the said board shall have invested any part of said fund in the purchase of the bonds of the state or of the United States, and shall at any time thereafter be enabled to purchase any of the bonds of the city at such prices as they may best judge for the public interest, within the restrictions above provided, they shall forthwith sell and dispose of the same and invest in city bonds; *Provided, however*, that no such purchase, investment or sale shall be made until the same have been first authorized by the common council of said city.

SEC. 4. Whenever the said board shall purchase any city bonds they shall proceed to cancel the same in the presence of the common council, at their next regular meeting, and such cancelation shall be entered on the records of the common council, noting the number, character and amount of each bond and the number and amount of coupons attached thereto.

SEC. 5. Any three (3) of the board, of which the recorder shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them by this act, and shall not be entitled to receive any additional compensation or salary for such services.

SEC. 6. Whenever any of the moneys constituting the sinking fund shall be required for any such purchase or investment as are in this

chapter mentioned, the amount of money required shall be paid by the treasurer of said city, upon a warrant signed by the said board, or any three (3) of them, the recorder being one, who shall affix the seal of the city thereto.

SEC. 7. The said board shall meet at any time upon the call of the mayor or any two (2) members thereof. The mayor shall preside at such meetings. It shall be the duty of the recorder to keep a correct journal of the proceedings of said board, to be verified by the board, and once a year, or oftener if required, they shall render to the common council a full and detailed report of the proceedings of said board.

## CHAPTER XIII.

### THIS CHARTER TO BE A PUBLIC LAW.

SECTION 1. This charter shall be a public act and need not be pleaded or proved in any case.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed, but nothing herein contained shall be construed as affecting any act of the city of Mankato or the common council of said city, or any official act of any officer thereof done prior to the passage of this act, or as modifying or affecting any resolution or ordinance of the said city now in force.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

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## CHAPTER 48.

[S. F. No. 702.]

AN ACT TO AMEND "AN ACT TO REDUCE THE ACT INCORPORATING THE CITY OF ROCHESTER, IN THE COUNTY OF OLMTED AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND THE ACT TO ORGANIZE A BOARD OF EDUCATION FOR THE CITY OF ROCHESTER, AND THE SEVERAL ACTS AMENDATORY THEREOF, TO ONE ACT, AND TO AMEND THE SAME," APPROVED MARCH NINTH (9TH), ONE THOUSANDEIGHT HUNDRED AND SIXTY-SEVEN (1867), AND ALL ACTS BY THE LEGISLATURE AMENDING THE SAME SUBSEQUENTLY PASSED, AND TO REDUCE THE SAME INTO ONE ACT, AND TO AMEND THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the act entitled "An act to reduce the act incorporating the city of Rochester, in Olmsted county, Minnesota, and the several acts amendatory thereof, and the act to organize a board of education for the city of Rochester, and the several acts amendatory thereof, to one act, and to amend the same," approved March ninth (9th), one thousand eight hundred and sixty-seven (1867), and the several acts amendatory thereof, be and the same are hereby reduced to one act and amended to read as follows:

## CHAPTER I.

**SECTION 1.** *City of Rochester Incorporate—Corporate Powers.*—All that part of the county of Olmsted contained within the limits and boundaries hereinafter described shall be a municipal corporation, by the name of the city of Rochester, which shall have the general powers possessed by municipal corporations at common law; and, in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded, in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure; and may take, hold and purchase, lease and convey, such real, personal and mixed estate as the purposes of the corporation may require, within or without the city.

**SEC. 2.** *Boundaries.*—The territory included within the following boundaries and limits shall constitute the city of Rochester: Beginning at the southeast corner of section one (1), in township one hundred and six (106) north of range fourteen (14) west, and running thence to the southwest corner of the southeast quarter ( $\frac{1}{4}$ ) of said section one (1); thence south to the southeast corner of the north one-half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section twelve (12) of said town and range; thence west to the southwest corner of said north one-half ( $\frac{1}{2}$ ); thence north to the southwest corner of said section one (1); thence west to the southwest corner of section two (2) in said town and range; thence north on the west line of said section two (2) to the point of intersection with the south line of College street in said city; thence west on a line continuous with the south line of College street to the point of intersection of said line, if continued, with the west line of the east twenty (20) acres of the north one-half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section three (3) in said town and range; thence north to a point where such north and south line would intersect with the north line of Zumbro street, if continued westwardly; thence east on a line continuous with the north line of Zumbro street to the west line of section thirty-five (35) in township one hundred and seven (107) north of range fourteen (14) west; thence north to the northwest corner of the southwest quarter ( $\frac{1}{4}$ ) of section twenty-six (26) in township one hundred and seven (107) north of range fourteen (14) west; thence due east to the northeast corner of the southeast quarter ( $\frac{1}{4}$ ) of section twenty-five (25) in the same township; thence south to the northwest corner of the southwest quarter ( $\frac{1}{4}$ ) of section thirty-one (31) in township one hundred and seven (107) north of range thirteen (13) west; thence east to the northeast corner of the southwest quarter ( $\frac{1}{4}$ ) of said section thirty-one (31); thence south to the southeast corner of the southwest quarter ( $\frac{1}{4}$ ) of said section thirty-one (31); thence west to the southwest corner of the southwest quarter ( $\frac{1}{4}$ ) of said section thirty-one (31); thence south to the place of beginning; containing sections one (1) and two (2), in township one hundred and six (106) north of range fourteen (14) west, sections thirty-five (35) and thirty-six (36) and the south one-half ( $\frac{1}{2}$ ) of sections twenty-five (25) and twenty-six (26) in township one hundred and seven (107) north of range fourteen (14) west, and the southwest quarter ( $\frac{1}{4}$ ) of section thirty-one (31) in township one hundred and seven (107) north of range thirteen (13) west.

**SEC. 3. Ward Boundaries**—The said city shall be divided into three (3) wards, called the First, Second and Third wards.

The First ward shall comprise all that part of the city which lies east of the Zumbro river and between the southern limits of said city and a line drawn east and west along the centre of Third street to the eastern limits of said city; also, that part of said city which lies west of the Zumbro river and between the southern limits of said city and a line drawn east and west along the centre of College street to the western limits of said city.

The Second ward of said city shall comprise all of that part of said city lying north of the First ward and east of the Zumbro river to a line drawn along the centre of the main track of The Winona & St. Peter Railway Company in said city; also that part of the southwest quarter of section thirty-one (31) in township one hundred and seven (107) north of range thirteen (13) west lying south of the centre line of said main track of said railway; also, that part of said city lying north of the First ward and west of the Zumbro river to a line drawn east and west along the centre of Sixth street to the western limits of said city.

The Third ward of said city shall comprise all of that part of said city lying north of the Second ward.

## CHAPTER II.

### ELECTIONS.

**SECTION 1.** There shall be an annual election for elective officers hereinafter provided, which election shall be known as the "Charter Election," and shall be held on the second (2d) Tuesday in March of each year, at such place within each ward as the common council shall designate, and the polls shall be kept open from nine (9) o'clock in the forenoon until seven (7) in the afternoon, and ten (10) days' previous notice shall be given by the city clerk of said city, of the time and place of holding such election and the officers to be elected, by posting notices thereof in three (3) of the most public places in the city and by publishing the same in the official paper of said city.

**SEC. 2.** All elections shall be held according to the general laws of the state, except as otherwise provided in this act.

**SEC. 3.** Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner as in the general or charter elections, and within such time as the common council may prescribe by resolution.

It shall not be necessary to appoint judges or clerks for special elections to fill vacancies or for any other purpose, but the judges and clerks of election at the last general or charter election in any precinct shall continue to be judges and clerks of election for such special election, and vacancies of judges and clerks may be filled the same as in general or charter elections.

**SEC. 4.** As soon as the polls are finally closed, of which closing proclamation shall be made by one of the judges thirty (30) minutes previous thereto, the judges shall proceed to canvass the votes cast at such election, in the same manner as is provided by the general statutes of this state, and, after the canvass is thus completed, the

judges of election shall, before they disperse, make return thereof, stating the number of votes cast for each person for each and every office, and inclose the same in an envelope and duly seal the same, and, within twenty-four (24) hours, deliver or cause to be delivered such returns, together with the ballot boxes and ballots cast at such election, to the city clerk. Within one (1) week after any election the common council shall meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each of the persons so elected of their respective elections.

SEC. 5. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they may direct.

## CHAPTER III.

### OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. The elective officers of said city shall be mayor, justice of the peace for the city, who shall be styled city justice, assessor, treasurer, city marshal and alderman at large, all of whom shall hold their respective offices for the term of one (1) year, and until their successors are elected and qualified, except the city justice and alderman at large, whose terms of office shall be two (2) years, and until their successors are elected and qualified.

SEC. 2. The officers elected in each ward shall be two (2) aldermen, one (1) justice of the peace and one (1) constable. The term of office of the justice of the peace and aldermen shall be two (2) years, and until the successor of each is elected and qualified. The term of office of the constable shall be one (1) year, and until his successor is elected and qualified; *Provided*, that, in case of a vacancy for any cause in the office of alderman, during the first year of his term, his successor elected at the ensuing annual election shall hold his office for one (1) year, and until his successor is elected and qualified.

SEC. 3. *Appointment of City Officers.*—Each common council shall, at the first (1st) regular meeting in each year, appoint a city attorney, city clerk, city engineer, poundmaster, fire warden and such number of assistant marshals as such council may deem necessary for the good order of the city, who shall hold their respective offices until the successor of each of them shall have been appointed and qualified, unless sooner removed. The common council shall have the power to remove any of said appointive officers, at any time, by a four-sevenths ( $\frac{4}{7}$ ) vote of said council in favor of such removal.

SEC. 4. No person shall be eligible to any office provided for in this act who shall not be a qualified elector of the state of Minnesota, and who shall not have been a resident of the city for thirty (30) days next preceding his election.

SEC. 5. All the city officers elected by the people shall enter upon the duties of their respective offices on the first (1st) Monday in April in the year of their election, and the officers to be appointed by the common council shall enter upon the duties of their respective offices on the second (2d) Monday in April in the year of their appointment.

All the aforesaid officers of said city whether elected or appointed shall hold their respective offices for the term of one (1) year, and until their respective successors shall be elected or appointed and qualified, except as otherwise provided herein; *Provided*, that all present officers of said city shall continue in office, exercising the same powers and performing the same duties as heretofore until the time of their respective successors shall begin, and until their respective successors shall be elected or appointed and qualified.

SEC. 6. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe his oath of office, and file the same, duly certified by the officer taking the same, with the city clerk of the city, and the treasurer shall, before entering upon the duties of his office, execute to the city a bond, with at least two (2) sureties to be approved by the common council, in such penal sum and upon such conditions as the common council shall direct; and the city marshal and city justice shall, before entering upon the duties of their respective offices, execute to the city a bond in the penal sum of one thousand dollars (\$1,000) respectively, conditioned for the faithful discharge of the duties of their respective offices; and the ward justices of the peace, constables, city engineer and assistant city engineer, city clerk, city attorney, assistant marshal and assessor shall severally, before entering upon the duties of their respective offices, execute to the city a bond, with two (2) sureties to be approved by the common council, in the penal sum of five hundred dollars (\$500), conditioned for the faithful discharge of the duties of their respective offices; and the common council may require bonds from the other officers of the city in such penal sums and such conditions as they may deem best. And the common council may also, from time to time, require a new or additional bond from any officer aforesaid and remove from any office any officer refusing or neglecting to give the same. All bonds shall be filed in the office of the city clerk before the officer enters upon the duties of his office.

SEC. 7. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten (10) days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

SEC. 8. Whenever a vacancy shall occur in any office, either elective or appointive, excepting the office of mayor, it shall be the duty of the common council, at its next regular meeting, or at a special meeting called for that purpose, to fill such vacancy by appointing, by warrant under their hands and seal of the city, certified by the acting clerk or city clerk, and the person so appointed shall hold his office until the next annual election and until his successor is elected and qualified, and shall have and possess the same powers and be subject to the same liabilities as if he had been duly elected at the annual election.

SEC. 9. The mayor shall take care that the laws of the state and the ordinances of the city are duly enforced and observed within the city. The mayor shall be the chief executive officer of the city, and shall have general supervision and control of all the officers and departments of the city government. He shall take care that all other officers of the city discharge their respective duties, and, to that end,

may maintain an action of mandamus or other appropriate action against any delinquent city officer. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. He may, whenever he shall deem it necessary, require of any city officer an exhibit of his books and papers, and he shall possess such further powers and perform such further duties as may be conferred or prescribed by this or any other act of the legislature of this state, or by any city ordinance or regulation duly passed or adopted in pursuance thereof. In case the mayor knowingly or willfully neglect or refuse to perform any of the duties of his office, or shall be guilty of oppression or of corruption in office, he shall be liable to indictment, and, on conviction thereof, shall pay a fine of not more than five hundred dollars (\$500), and the courts shall have power to further adjudge that he be removed from office.

The alderman at large shall serve as president of said council, and as mayor, in case of the absence of the mayor from the city, or in case he is unable, from sickness or other cause, to perform the duties of his office, and while so acting as mayor, he shall be styled the acting mayor, and his acts in that capacity shall have the same force and validity as if performed by the mayor. As president of said council he shall act as its presiding officer and have no vote, except in case of a tie; but in case of his absence from any meeting of said council they shall elect a president *pro tem.* who shall have the same authority while so acting.

SEC. 10. *Signature of Mayor.*—The mayor shall sign all appointments, commissions, licenses and permits granted by the common council, and all warrants and orders drawn on the treasurer by order of said common council for the payment of money, and all bonds issued by authority of the common council, or any statute of this state.

SEC. 11. The city clerk shall keep the corporate seal and all the papers and records of the city and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers filed in his office and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the common council, and all bonds issued by authority of said common council or statute of this state, and keep a full and accurate account thereof in books provided for that purpose. The city clerk shall have power to administer oaths and affirmations, and take the acknowledgments of deeds and other writings. The city clerk shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. The city clerk shall retain in his possession all records, files, books and papers incident to his office, and shall not allow them to pass from his possession, except under the direction of the common council. He shall receive for his services such sum as the common council shall deem proper. In case of the absence of the city clerk or of his inability to perform his duties, the common council may appoint an acting city clerk.

SEC. 12. The treasurer shall receive all moneys belonging to the city, and keep in separate funds as in this act provided an accurate and detailed account thereof, in books to be pro-

vided at the expense of the city, which books shall be subject to the inspection of the mayor or any member of the common council or any committee thereof or any person by said common council appointed, showing at all times the amount standing to the credit of any fund.

He shall pay no money out of the treasury otherwise than upon warrants or orders drawn upon him in the manner required by this act.

He shall, on the first (1st) day of each month, file with the city clerk a report of the amount to the credit of each fund, and at least fifteen (15) days before the annual charter election, or sooner, if required by the common council, file with the city clerk a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury. He shall be entitled to such compensation for his services as the common council deem proper.

SEC. 13. It shall be the duty of the city attorney to appear for the city in the prosecution of all suits for the violation of any city ordinance or general law of this state, within the limits of said city, of which the city justice has jurisdiction to try, when the fine for the punishment of said offense would, if paid, go to said city. He shall represent the city in all legal proceedings in which the city is a party, and shall attend the meetings of the common council and give his opinion upon any legal question which may be submitted to him officially by the common council or any of its committees, or any officer of said city, respecting their official duties. He shall draw all ordinances and legal instruments for the city, and perform such other professional services as properly appertain to his office. He shall receive such compensation for his services as the common council shall deem proper.

SEC. 14. *City Marshal—Duties, Powers and Compensation of.*—The city marshal shall execute such orders as are made and perform such duties as are prescribed by the common council or mayor or any ordinance of said city. He shall have the powers of a constable at common law and under the statutes of this state, and receive like fees. It shall be his duty to enter complaint to the city justice of all violations of any ordinance, by-law, rule or regulation of said city, and of all assaults, batteries and affrays, not indictable, committed within the limits of said city, and shall keep a permanent record of all arrests, imprisonments and punishments, in a book furnished by the common council for that purpose, and shall collect and immediately pay to the treasurer all tolls and license money due to the city, and pay over all fees, collected as constable, into said treasury, and shall be keeper of the city prison. He shall execute all orders of the board of health or the health officer thereof, and shall receive such compensation as the common council shall direct.

SEC. 15. *City Engineer and Assistants—Duties and Compensation of.*—The city engineer shall, under the direction of the common council, or the chairman of the street and alley committee, superintend the grading, repairing and improving of streets and alleys, and the building and repairing of sidewalks and crosswalks, gutters, sewers, bridges and public grounds, and the expenditure of taxes, levied and collected for such purposes, and shall have the supervision of the highways in said city, and discharge the same duties as are by law required of overseers of highways generally, and perform any other duties re-



quired of him in this act. At least fifteen (15) days before the annual charter election the city engineer shall file with the city clerk a full and detailed account of all receipts and expenditures after the date of the last annual report, together with an inventory of all the tools belonging to the city in his possession. It shall be his duty to inspect all streets, alleys, sidewalks, crosswalks, sewers, gutters and bridges and public grounds, and immediately report any defect or need of repair therein to the chairman of the street and alley committee, and, under the direction of the common council or chairman of the street and alley committee, to remove snow or any other obstruction from the sidewalks, crosswalks and bridges in said city.

He shall have immediate supervision and direction of all persons employed to work on the streets, alleys, bridges, sidewalks, crosswalks and public grounds, with power to engage and, in his discretion, to discharge such persons; *Provided*, that no greater number of persons shall be employed or any higher wages paid or promised them than may, from time to time, be authorized by the common council. He shall keep a strict account of the time during which every laborer is employed and every team used under his supervision, in a book provided for that purpose, which book shall be subject to the inspection of the chairman of the street and alley committee, and shall require each person, upon being paid for such work, to sign a receipt in such book, acknowledging payment of such sum. He shall not pay or expend any greater sum in the employment of men or teams each month than the sum authorized by the common council for that month. He shall also keep a separate book in which he shall keep an itemized account of the amount expended for material used by him on the streets, alleys, bridges, sidewalks, crosswalks, sewers, water mains, conduits and public grounds. Said book shall also be open to the inspection, at all times, of the chairman of the street and alley committee. He shall report to the common council in writing, at their first meeting in each month, the amount expended for labor and teams and the amount of material used during the preceding month, with a recommendation as to the amount needed in his department for the ensuing month.

It shall be the duty of the city engineer to make all surveys, plans and estimates required of him by the common council or by any provisions of this act, and establish all grades of streets, when required by said council, and perform such other and further duties pertaining to his office as the common council may, from time to time, require. All surveys, plans and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk, or such other place as the council may designate, and the same shall be open to the inspection of all parties interested. He shall receive such compensation for his services as the common council may direct.

The city engineer shall appoint, by and with the consent of four-sevenths ( $\frac{4}{7}$ ) of the members of the common council, given by vote at a regular meeting of such council or at a special meeting called for that purpose, such assistant engineer or engineers as may be needed to carry out the duties of his office. Such assistants shall receive such compensation for their labor as the common council shall determine, and shall be under the control of said council and its street and alley committee in like manner as is prescribed for said city engineer.

**SEC. 16. City Justice — Powers and Duties — Inability — Fines.**— The city justice shall possess all the authority, power and rights of a justice of the peace, and shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace, but warrants returnable before the said city justice may be issued, in criminal cases, by any justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Rochester or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offense committed against the same.

In all prosecutions for any violation of this act or of any by-law or ordinance of the city of Rochester, the first process shall be by warrant, and the same proceedings shall be had in civil and criminal suits before said city justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. All warrants, processes or writs issued by the city justice for violation of any ordinance or by-law of said city shall run in the name of the state of Minnesota, and shall be directed to the city marshal or any constable of said city; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the city of Rochester, but the person or persons so arrested may be proceeded against, tried, convicted, and punished or discharged, in the same manner as if the arrest had been by warrant; *Provided further*, that, in case of prosecution for a breach or a violation of any ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray not indictable, committed within the city limits, no appeal shall be had or allowed when the judgment or fine imposed, exclusive of costs, shall not exceed twenty-five (25) dollars; and the same proceedings shall be had in civil and criminal suits before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal action by the laws of this state before a justice of the peace. In all cases of conviction for assault, batteries and affrays within said city, and in all cases of conviction under any ordinance of said city for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, in a sum not exceeding five hundred dollars (\$500). The said justice shall have the same power and authority in case of contempt as a court of record; *Provided*, that nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace nor to affect in any manner the jurisdiction or powers of the district courts or supreme courts of this state; *Provided further*, that when it shall be shown by affidavit that the said city justice is of kin to the defendant, or when it shall be made to appear

by affidavit that the said city justice is a necessary and material witness, without whose evidence either party cannot safely proceed to the trial of said action or the examination of the offense charged in the complaint (the relationship of the said city justice and the evidence to be elicited from said city justice shall be set out in full in the said affidavit), then the said city justice shall transfer said action, examination or proceeding, with the complaint, warrant, recognizance, and all other papers relating to said cause, with the defendant, to some justice of the peace in said city who is not of kin to the defendant or a material witness to either party; and such justice of the peace shall, upon such transfer, have jurisdiction to hear, try and determine the same as said city justice might have done but for his said disqualification; *Provided further*, that but one such removal shall be allowed in any action, examination or proceeding, and no action, examination or proceeding shall be removed from the said city justice except for the causes herein specified, and any person or persons making or causing to be made a false affidavit, for the purpose of obtaining the removal of any such action, proceeding or examination from said city justice, shall be deemed guilty of perjury, and upon conviction thereof shall be subject to all the pains and penalties prescribed by law for perjury. In case of the absence, sickness or other disability of said justice, or for any sufficient reason, the mayor by warrant may authorize any other justice of the peace within said city to perform the duties of said city justice, and it shall thereupon be the duty of the mayor to inform the city attorney and city marshal of such substitution and make report thereof to the common council, and they may confirm or set aside such appointment or appoint some other justice of the peace, and the justice of the peace so appointed shall for the time being possess all the authority, rights and powers of said justice of the peace for the city. All fines and penalties imposed by the city justice, for offenses committed within the city limits or for violations of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

In all cases of the imposition of any fine or penalty by the city justice of said city, for the violation of any ordinance or by-law thereof, or for any assault, battery or affray committed within the limits of said city, the offender may be forthwith committed to the city prison, and may be there imprisoned and compelled to perform hard labor, under the direction of the city marshal, for the benefit of the city, not exceeding ninety (90) days, in the discretion of the city justice, unless such fine or penalty be sooner paid, and from the time of the arrest of any person for any such offense until the time of his trial he may be imprisoned in said city prison. In all cases of the conviction of any person before the city justice of said city of any offense committed within the limits of the city, of which offense said city justice has jurisdiction, and is or may be punishable by imprisonment in the county jail, the city justice may sentence such person to confinement in the city prison instead of the county jail.

The city justice shall make a quarterly report to the common council of all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him belonging to said city and receive his receipt therefor, and said justice shall be entitled to receive from the county of Olmsted such fees, in criminal

cases occurring without the city, as are allowed to other justices in the county for similar services.

SEC. 17. The justices of the peace and constable elected in each ward shall have the same powers, authority and rights as are possessed by other justices and constables of the county of Olmsted; *Provided*, that the ward justices of the peace elected in said city may hold their office and hear and conduct all trials, examinations and proceedings cognizable by them at any place within the limits of said city; *And provided*, that for the removal of any trial, examination or proceeding from any one of the said justices of the peace the city of Rochester shall be considered as one (1) election precinct.

SEC. 18. The assessor of the city of Rochester shall perform the duties pertaining to his office in accordance with the laws of this state in regard to township assessor. He shall be subject to all liabilities and perform all the duties of a township assessor, and shall receive such compensation as the common council shall direct. No assessment of property within the city of Rochester shall be made by any other than the city assessor, except as in this act otherwise provided.

SEC. 19. *Assistant Marshals—Duties of.*—It shall be the duty of all assistant marshals appointed under the provisions of this act to obey all lawful orders and directions of the mayor or city marshal of said city, maintain the peace and good order of said city, arrest all persons found disturbing the public peace or violating the ordinances of said city, and shall, when designated by the city marshal, act as keeper of the city prison, and perform all the duties imposed upon the city marshal of said city by the charter or ordinances thereof; except that no assistant marshal shall serve any civil process.

SEC. 20. The mayor of said city is hereby authorized and empowered to appoint as many assistant marshals as he may deem necessary for the maintenance of good order in said city, who shall take the oath required by law, but need not give the bond required by this act, and they shall perform all the duties required of assistant marshals appointed by the common council; *Provided*, that no assistant marshals appointed by the mayor shall hold office for longer period than one (1) week at any one time.

SEC. 21. The common council shall, at their first (1st) regular meeting in each year, designate one (1) newspaper printed in the city in the English language as the official newspaper of said city for the period of one (1) year then beginning, in which shall be published all ordinances, official notices and all reports, proceedings of the common council and other matters required by this act or other act of the legislature to be published, and all other matters as the common council may from time to time direct.

It shall be the duty of the city printer, immediately after the publication of any ordinance, resolution or other matter which by this act is or by city ordinance or act of the legislature shall be required to be published, to file with the city clerk a copy of such publication, with his affidavit or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter. He shall receive compensation at a rate not exceeding that now prescribed by statute for legal advertisements or notices.

SEC. 22. The mayor, sheriff of Olmsted county and each and every alderman, justice of the peace, marshal and assistant marshal and con-

stable shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly conduct within the limits of the city, and for such purpose may command the assistance of all bystanders; and if any person so commanded shall refuse to aid in maintaining the peace, every such person, on conviction thereof, shall pay a fine of not more than twenty-five (25) dollars nor less than five (5) dollars, or in default shall be imprisoned in the city prison until such fine is paid, not exceeding thirty (30) days.

SEC. 23. *Further Duties of City Officers.*—The common council shall have power to require, from time to time, other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created or at the commencement of the official year, and shall not be decreased or diminished during the time such officer shall remain in office. The common council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

SEC. 24. *No Member of the Council to be Interested in Any Contract.*—No member of the common council shall be a party to or interested in any job or contract with the city, and any contract in which any member of the common council may be so interested shall be null and void.

SEC. 25. Any person having been an officer in said city shall, within ten (10) days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to the city or pertaining to the office he may have held. If he fail to do so after such notification and request, he shall forfeit and pay to the use of the city one hundred (100) dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the law of this state in cases of the unlawful detention of personal property.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS POWERS AND DUTIES.

SECTION 1. There shall be a council, to consist of the aldermen of the city, which shall be styled the common council of the city of Rochester.

SEC. 2. The alderman at large or president *pro tem.*, as hereinbefore provided, shall preside at the meetings of the common council, and shall possess all the powers usually vested in the presiding officers of similar bodies, but shall have no vote therein, excepting a casting vote when there is a tie.

The common council shall be the sole and exclusive judge of the qualifications, elections and returns of its own members, and shall have sole and exclusive power to determine all contested elections in such case, and shall have power to send for persons and papers, as otherwise provided in this act.

SEC. 3. There shall be one (1) regular meeting of the common

council in each month, at such time and place as shall be prescribed by ordinance, and the mayor, alderman at large, or any two aldermen, may call a special meeting at any time, by serving or causing to be served upon the several members, personally, a written notice thereof in which the particular object of such special meeting shall be stated. At such special meeting no other business shall be transacted than such as is designated in the call, unless by unanimous consent of all the members present. In case of the attendance of less than a quorum at any stated meeting, the members present may adjourn to any special time they may designate, and all business transacted at such adjourned meeting shall have the same validity as if done at a regular meeting.

SEC. 4. A majority of the aldermen shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 5. The common council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of five-sevenths ( $\frac{5}{7}$ ) of the members elected, expel a member, and also remove from office any officer of the city elected by the people; *Provided*, that no member or officer shall be so expelled or removed except for due cause nor unless the specific charges are made in writing against the member or officer, a copy of which shall be furnished him, and he shall be allowed to be heard in person or by counsel in his own defense. The common council shall have power to compel the attendance of witnesses and the production of books and papers for the trial, and shall proceed within fifteen (15) days to hear and determine the case. A notice in writing specifying the time and place of hearing shall be served on the member or officer charged, at least ten (10) days before the day of hearing. If such member or officer fails to appear and answer to such charges, the common council may declare the office vacated. When charges are thus preferred the member or officer may be suspended until the disposition of the charges.

SEC. 6. The common council shall keep a journal of its proceedings, and ayes and noes, when demanded by any member present, shall be entered on the journal.

SEC. 7. No alderman shall be appointed to any office under the authority of the city which shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected.

SEC. 8. *Power to Enact Ordinances and Their Force.*—The common council shall have the management and control of the finances, subject to the provisions of this act, and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government of the city, for the suppression of vice and intemperance, and for the prevention of crime and preservation of health, as they shall deem expedient; they shall have power to establish and maintain a city prison and watchhouses for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before the city justice; to make all rules and regulations for the government and management

of such prison and watchhouses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation. The keepers of said prison and watchhouses shall have and possess all the powers and authority of jailers at common law or by the laws of this state.

The common council shall have full power and authority to declare and impose penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed or ordained by them; and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; *Provided*, that they be not repugnant to the constitution and laws of the United States or this state. And for these purposes shall have authority by ordinances, resolutions or by-laws:

*First*—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, menageries, circuses, concerts, roller skating rinks, museums, places of amusement and all other devices and theatrical performances for which charge is made; also, to license and regulate all auctioneers, pawn-brokers, billiard tables, pigeon hole tables, bagatelle tables, nine or ten pin alleys, bowling saloons, shooting galleries, taverns, victualling houses, cane racks and other games and devices.

*Second*—To license and regulate all persons vending, dealing in or disposing of spirituous, vinous, fermented, malt, mixed or intoxicating liquors within said city, and to restrain, prevent and prohibit any person or persons from vending, dealing, giving or disposing within said city of any liquors unless thereto duly licensed by the common council, and to revoke any license granted by said council for any malfeasance, misfeasance or non-feasance of the person holding the same; *Provided*, that the license for dealing in or vending spirituous and fermented liquors shall not be less than two hundred (200) dollars per year, and for dealing in and vending fermented liquors alone it shall not be less than one hundred (100) dollars per year, unless otherwise provided by the state law.

*Third*—To restrain and prohibit all description of gambling and all fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to provide by ordinance for the seizure, condemnation and destruction of any devices, apparatus or other things used for gambling or gambling purposes.

*Fourth*—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses, houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof.

*Fifth*—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city, and to remove and abate any other nuisance injurious to the public health or safety, and remove or require to be removed any building or structure which, by reason of dilapidation, defects in structure or other causes may have or shall become imminently dangerous to life or property, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Whenever it shall become necessary to remove or abate any such nuisance, or remove any such building or structure, or cleanse, remove or abate any of the places above set forth, the said council shall cause a written or printed notice to be served on the owner or occupant of the lot or lots upon which said nuisance, building or structure is situated, requiring the owner or occupant, within a specified time, not less than three (3) days from the date of service, to remove or abate the same at his own cost and expense; and if the premises are vacant and unoccupied, the council shall cause a notice to be posted at or near the nuisance, building or structure, requiring the owner of said lot or lots to remove the nuisance, building or structure within a specified time, not less than three (3) days from the day of posting, proof of which shall be filed with the city clerk of said city. If such nuisance, building or structure is not removed and the premises and place cleansed within the time specified, the council may cause the same to be removed or cleansed, and the expense thereof shall be assessed by the common council upon the lot or lots. Said assessment shall be a lien on the lot or lots the same as city, county or state taxes, and shall be returned with and collected in the same manner as the other city taxes.

*Sixth*—To direct the location, mode of construction and management of stock yards, slaughter houses, and markets, breweries and distilleries, and to establish rates for and license venders of gunpowder and regulate the storage, keeping and conveying of gunpowder or other combustible materials, and to direct a place where, and the manner in which kerosene oil, gasoline oil and other explosive and combustible materials or articles shall be stored, or kept or conveyed within said city.

*Seventh*—To prevent the incumbering of streets, sidewalks, alleys, lanes or public grounds with carriages, carts, wagons, sleighs, boxes, barrels or kegs, lumber, firewood, posts, suspended or swinging signs, awnings or other materials or substances whatever, and to prohibit persons from gathering in crowds or groups or standing singly on the streets or sidewalks in such manner as to obstruct passage thereon or to annoy other persons passing along the same; to authorize the police to disperse any such crowd or group, or to cause the removal of any such person and to arrest the offender or offenders, in case of refusal on the part of such person or persons to obey any reasonable direction given for the purpose of clearing the way to prevent annoyance to passers by.

*Eighth*—To regulate the movement of railroad locomotives and cars, and to prevent and punish immoderate riding or driving in the streets; to compel persons to fasten and to care for their horses or other animals, attached to vehicles or otherwise, while standing in the street, and to regulate places of bathing and swimming in the waters within the city limits.

*Ninth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of such ordinances, and to define the territorial limits within which swine may be kept in said city.

*Tenth*—To prevent the running at large of dogs, and to require a license for keeping the same, and to impose fines upon their owners,



and to authorize the destruction of said dogs in a summary manner when at large contrary to the ordinance.

*Eleventh*—To prevent any person from bringing, depositing or having, within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skin of any kind, and, on default, to authorize the removal thereof by some competent officer at the expense of such person or persons, and to impose fine upon such person or persons for such default.

*Twelfth*—To make and establish public pumps, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, avenues and public grounds, and to provide for the erection of water works for the supply of water to said city and its inhabitants, and to grant a right to one (1) or more persons, companies or corporations to erect water works to supply said city with water and to authorize and empower such person or persons, company or corporation, to lay water pipes and mains into, through and under the streets, avenues and public grounds of the said city of Rochester; and to provide for the erection and operation of gas works, electric light or other works or means for lighting the streets, avenues, alleys and public grounds and buildings of said city and supplying light or power to the inhabitants thereof, and to grant the right to erect, maintain and operate such works, with all rights incident or appertaining thereto, to one (1) or more persons, companies or corporations, and to authorize and empower such person or persons, company or corporation, to lay pipes, mains and wires into, through and under the streets, avenues and public grounds of said city of Rochester, and the erection of poles, masts and towers, and the running of wires thereon over, in, upon, under and across the streets, avenues and public grounds; and to provide for the erection and operation of works for heating the public buildings of said city by steam, gas or other means, and supplying heat or power to the inhabitants of said city; *Provided*, that said city may, if it deems it for the best interests of the city, reserve the right to purchase any of the works hereinbefore mentioned, at any time after ten (10) years from the commencement of such grant, at a valuation to be agreed upon or determined in a manner prescribed in the grant.

*Thirteenth*—To regulate and control or prohibit the placing of telegraph, telephone, electric light or other poles or posts now or that hereafter may be placed, and the suspension of electric or other wires now or that may hereafter be suspended along or across the streets of said city, and to require any or all already placed or suspended, either in limited districts or throughout the entire city, to be removed or to be placed, in such manner as the common council may designate, beneath the surface of the street or sidewalk.

*Fourteenth*—To provide for sprinkling any street or part of a street within said city, and upon petition of the owners of two-thirds ( $\frac{2}{3}$ ) of the amount of frontage abutting upon any such street or part of a street, to assess the expense of such sprinkling upon the real property abutting upon such street or part thereof in proportion to frontage.

*Fifteenth*—To establish the powers and duties of boards of health, subject to the general statutes of this state in such case made and provided; to regulate the burial of the dead and to prohibit such

burial within the city limits, and to provide for the registration of births and deaths within said city and for keeping and returning the record of mortality and causes thereof.

*Sixteenth*—To license and regulate hackmen, expressmen and all other persons engaged in carrying passengers or freight, and to regulate their charges therefor; to prescribe standing places or stations within the street where such hacks, drays or other vehicles used for such carrying may stand or remain while waiting for business or orders, and to designate such standing or waiting places in the licenses of such draymen, hackmen or other persons, and to prohibit them from standing or waiting in any other place within such street, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in such city, and to authorize the mayor or city marshal of said city to regulate and direct the location of vehicles at such railroad depots or stations.

*Seventeenth*—To compel railroad companies and all other corporations and persons to do all needful and proper grading, draining and filling upon lands owned or occupied by them within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings, bridges, viaducts and carriageways over their several tracks, and to maintain lights, gates or flagmen at such street crossings of their tracks as the common council may require; to prevent the obstruction of streets, lanes and highways by engines or cars of such companies, and to provide for the punishment by fine or imprisonment of any officer, agent or servant of any such railroad company found guilty of a violation of any ordinance, resolution or by-law passed pursuant to this subdivision.

*Eighteenth*—To grant the right of way over, through or upon any of the public streets of said city to any person, company or corporation to build, maintain and operate a street railway for the carriage of passengers only, the cars of which are to be drawn by horses, mules or electricity only; *Provided*, that this subdivision shall not authorize said common council to grant any such right or privilege over, upon or through any alley of said city, nor to grant any exclusive right; *Provided further*, that such right or privilege shall not be granted to any person, company or corporation unless upon condition that such street railway shall be built and in operation within two (2) years from the time of the granting of such right, and that the gauge of such street railway shall not be to exceed four (4) feet.

*Nineteenth*—To prevent all persons riding or driving or leading any ox, cow, horse, mule or other animal on the sidewalks of this city, or in any way doing damage to such sidewalks.

*Twentieth*—To prevent the shooting of firearms, firecrackers, rockets or other projectiles, and to prevent the exhibition of fireworks in any situation which may be deemed by the common council dangerous to the city or any property therein, or annoying to any citizen thereof.

*Twenty-first*—To restrain drunkenness, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same.

*Twenty-second*—To authorize the arrest, fine and imprisonment of vagrants and all persons not having visible means of support and without employment, idly loitering or rambling about, or staying in

groceries, drinking saloons, billiard halls, houses of ill-fame or houses of bad repute or gambling houses; also, those who shall be found trespassing in the night time upon private premises, or begging or placing themselves in the streets or (other) thoroughfares or public grounds to beg or receive alms; also, those keeping, exhibiting or visiting gaming tables or gambling houses; also, all who go about for the purpose of gaming, or shall have in their possession any article or thing used for obtaining money by false tokens or pretenses; also, any person who shall disturb any concert, theatre, or other public or private entertainment or gathering, or any place where public or private school is kept, either on week day or Sunday, or any place where religious worship is held.

*Twenty-third*—To restrain, regulate and license porters, hackmen, and also runners, agents and solicitors for hacks, omnibuses, cars, public houses or other establishments.

*Twenty-fourth*—To establish and maintain public markets and market houses for the display and sale of meats, vegetables, fruits and other articles of food; to designate places for and to prescribe the manner of selling hay, straw, coal and firewood; to provide for the inspection of hay, coal and the measuring of firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same; to establish and maintain public market places for the sale of horses, sheep, cattle, mules and other animals, and to regulate and control the same.

*Twenty-fifth*—To compel the owners or occupants of buildings or lots to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from any lot owned or occupied by him all such substances as the board of health shall direct, and, on his default, to provide for his punishment. The common council may compel the owners or occupants of buildings and lots to remove the substances herein named, or cause the same to be removed, and charge the expense thereof up to the lot or lots, in the same manner as is provided in subdivision fifth (5th) of this section and with like effect.

*Twenty-sixth*—To regulate the time, place and manner of holding public auctions or vendues, or to prohibit the same.

*Twenty-seventh*—To regulate the sale or traffic in merchandise and other commodities in the city of Rochester by transient traders or dealers in goods, wares and merchandise occupying stores or buildings in the city or engaged in the sale of such goods, and to license and regulate such transient trader and dealers and prohibit the same, if not so licensed, and to provide for the punishment of any such traders or dealers who shall within said city vend, sell or dispose of, or offer to vend, sell or dispose of any goods, wares or merchandise without first having obtained such license; *Provided*, that all merchants or dealers in goods or merchandise whose stock of goods has not been assessed and taxed within the city for the fiscal year during any part of which they shall be engaged in such business, and who shall not be *bona fide* residents of said city, shall be deemed "transient traders" or "dealers" for the purposes of this subdivision.

*Twenty-eighth*—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and to require all weights and measures to be sealed in accordance with the statutes of his state, such city sealer to be appointed in the absence of such

statutes, and he shall seal all such weights and measures; and also to provide for the punishment for the use of false weights and measurements.

*Twenty-ninth*—To regulate and license peddlers, hawkers and pawn-brokers, and to prohibit fakirs in said city.

*Thirtieth*—To provide for and regulate the inspection and sale of tobacco, beef, pork, flour, meal, lard, butter, fish and all other meats and provisions, and to provide against the sale of meat improperly slaughtered or cared for, or killed or hung up in a filthy or unwholesome place, or fed upon filthy refuse or offal, or in any way putrid, tainted or having been exposed to taint by reason of the surroundings in which it has been kept; and to provide for the punishment of any person or persons offering for sale any unwholesome meats, vegetables or other food products, or for the punishment of any person or persons offering for sale any meat, vegetables or other food products in an unwholesome place or building, or which have been hung up or kept in an unwholesome place or building.

*Thirty-first*—To regulate the construction of buildings; to prescribe the depth of cellars, material and method of construction of foundations and foundation walls, the manner of construction of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floors, beams, girders, columns, roofs, chimneys, flues and heating apparatus; to apportion and adjust such regulations to the height and size of the building to be erected; to regulate the construction and location of privies and vaults in such buildings; to prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it may prescribe; to establish, alter or enlarge such building limits from time to time; to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer; to give such inspector or any officer authority to enter upon, examine and inspect all buildings in process of construction in said city, or within such building limits, and to direct the suspension of any such building operations as shall not conform to such regulations; *Provided, however,* that neither said common council or any inspector or any officer of said city shall have control or regulation of any building erected by the United States or the state of Minnesota.

*Thirty-second*—To prescribe the limits, and from time to time to alter or enlarge the same, within which wooden buildings, or buildings of other materials that shall not be deemed fireproof, shall not be erected, placed, enlarged or rebuilt, and within or into which such building shall not be moved, and to direct that any and all buildings within the limits prescribed shall be made and constructed of fireproof material and with such precautions against fire as the common council shall by ordinance prescribe, and to prohibit the repairing of wooden buildings within such fire limits without its consent, and to prescribe the manner of applying for such consent. Any building hereafter erected, placed, moved, enlarged, rebuilt or repaired in violation of the provisions of any ordinance of said city passed pursuant to this subdivision is hereby declared and shall be deemed a public or common nuisance, and the common council, in addition to other penalties, may provide for the abatement of such nuisance by the removal or destruction of such building.

*Thirty-third*—To provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit them in any portion of the city, in its discretion; and to regulate the opening of hatchways, and compel proper guards about the same.

*Thirty-fourth*—To regulate the construction, location and care of chimneys, fireplaces, stoves, stove pipes, ovens, boilers, smoke-stacks, and the appurtenances thereto used, in or about any building or premises in said city, and to provide for the removal thereof, or for making the same safe when considered dangerous; also, to prevent the deposit of ashes in unsafe places, and to regulate and prevent the operation of manufactories or other establishments likely to cause or promote fire in said city.

*Thirty-fifth*—To provide for and regulate the numbering of dwelling houses and other buildings in said city, and to compel the owners of such houses or buildings to have the proper number designated thereon.

*Thirty-sixth*—To license and regulate bill posters, and to prevent the painting, drawing, marking or posting of any device or advertisement upon any sidewalk, bridge or other public property of said city, any building, fence or other structure without the consent of the or upon owner thereof.

*Thirty-seventh*—To direct and regulate the planting and cultivation of trees in the streets and public grounds and highways of the city, and to provide punishment for injury or destruction of the same, or to any street signs, lamps or monuments of said city.

*Thirty-eighth*—To do all acts and make all regulations which may be necessary and expedient to the preservation of health, the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city and within three (3) miles of the limits thereof.

*Thirty-ninth*—To appoint inspectors, weighers and gaugers; to regulate their duties, and to prescribe their compensation.

*Fortieth*—To provide for the taking, from time to time, the enumeration of the inhabitants of the city.

*Forty-first*—To provide for the maintenance and government of a police [force] for said city, except as otherwise provided in this act; the city marshal, assistant marshals and special policemen shall constitute the police force of said city.

*Forty-second*—To provide for the maintenance and government of all public buildings for the use of said city already erected, and to provide for the erection, maintenance and government of such other public buildings as the common council may deem necessary for the use of said city.

*Forty-third*—To appoint one (1) or more fire wardens and prescribe their duties.

*Forty-fourth*—To grant authority to any person or persons, company or corporation, to erect, maintain and operate telephone exchange or telegraph line in said city and the right to string telephone or telegraph wires over, upon, across or under the streets, alleys and public grounds of said city, under the rules and limitations of this act; and to grant to any private party or parties, company or corporation, the right to string any such wires over, upon, across or under the streets, alleys and public grounds of said city, subject to the said rules and regula-

tions of this act, for private use, and to make such rules and regulations for the government of the same as may be necessary.

*Forty-fifth*—To require and provide for the removal in such manner, with private parties or associations or otherwise, throughout the city and in such districts or on such streets as the common council may direct, of any or all swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings or other foul or unhealthy stuff, with authority to assess the expense of such removal upon the property from which such above named matter or thing shall be taken, in case of the default of the above named matter being removed by the owner or occupant of any premises upon which the same may be found.

*Forty-sixth*—To provide for the purchase of fire engines and other apparatus and appliances for the discovery, prevention and extinguishment of fires; to provide for and regulate the formation of fire engine, hook, ladder, patrol and hose companies, and provide for the due support, regulation and discipline thereof, and for the disbanding thereof and their apparatus to be delivered up when the common council shall deem such disbanding necessary or expedient, and for the care, keeping and preservation of the engine, apparatus, appliances, and other property belonging to the fire department; to prescribe the duties of firemen and their officers, and to regulate the conduct of firemen and their officers, and all other persons at or near the scene of fire in said city; to authorize the removal or destruction of buildings when necessary to arrest the progress or prevent the spreading of any fire, and, in general, to make such provisions as in the judgment of the common council may tend to promote the efficiency of said department and to secure all possible protection of property in said city from fire.

*Forty-seventh*—To grant a yearly license to the owner or lessee of any building, authorizing him to use the same as a theatre, concert hall, museum or other place of public amusement, recreation or instruction.

*Forty-eighth*—To regulate the manner of keeping and exhibiting stallions, bulls and jacks.

*Forty-ninth*—To regulate and require licenses to be obtained for the pursuit or prosecution of such other occupations or other kinds of business, not hereinabove expressly referred to and provided for, as in the opinion of the common council may require regulation; and, in general, to adopt all such measures and to establish all such regulations, in cases for which no express provision is hereinbefore made, as the common council may, from time to time, deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppression of vice and the enhancement of public welfare in said city.

*Fiftieth*—To prohibit the playing by minors of pool, billiards or any other game in any billiard or pool room, or any saloon or any other place where billiard or pool tables are kept or other games allowed, and to provide for the punishment, by fine or imprisonment, of any person or persons owning, operating or having control of any of said game or games who permits such minor or minors to play said games in violation of this provision or any ordinance passed pursuant thereto.

*Fifty-first*—To establish and maintain a public library, in accordance with Chapter one hundred and six (106) of the Laws of one

thousand eight hundred and seventy (1870) of the State of Minnesota, and to assist or maintain a free reading room, and to make such rules and regulations regarding the government of the same as they may from time to time deem necessary.

*Fifty-second*—To provide for requiring the owners of buildings, or other structures which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof down to prevent accident; and, in case of refusal or neglect of said owner to so take down the same within the time prescribed by the common council, when ordered by the officer designated by said common council, then to cause the same to be done at the expense of the owner, the cost thereof to be paid by special assessment on the land on which the same stands.

SEC. 9. *Punishment for Breach of Ordinance.*—The common council may impose punishment for the breach of any ordinance of the city, to the extent of a fine not exceeding one hundred dollars (\$100), or imprisonment in the city prison or county jail not exceeding ninety (90) days, and may provide that offenders against such ordinances may be required to give security to keep the peace and for good behavior for a period not exceeding six (6) months, and in a sum not exceeding two hundred (\$200) dollars.

SEC. 10. The common council of the city of Rochester may provide by ordinance that any person convicted of an offense before the city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established by said city for that purpose, or the city prison of said city, or in case of male offenders, may be kept at hard labor during the term of imprisonment in such workhouse or on the public streets and improvements of said city, and may also provide by ordinance that any one convicted of an offense before the city justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said city or the city prison as aforesaid, or, in case of a male offender, may be kept at hard labor either in such workhouse or upon the public streets or improvements in said city until such person shall work out the amount of such fine at such rate as such common council may prescribe—not less than one (\$1) dollar per day; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and prevent escape and preserve proper discipline, and shall have power to establish a suitable workhouse in said city for the purpose aforesaid and make all needful regulations for the government of the same.

SEC. 11. In all matters except those provided for in section eight (8) of this chapter, and in other cases mentioned in this act in which action is required to be by ordinance, the common council shall act by resolution in writing, or, in cases in which it is not otherwise provided in this act, by mere motion to be entered on the minutes; *Provided, however*, that every appropriation to the amount of two hundred dollars (\$200) or more, to be paid to any one (1) person, firm or corporation, and the letting of any job or work, or the authorizing of any contract or purchase, involving an expenditure from the city treasury of two hundred dollars (\$200) or more, and the affixing of any officer's salary or any employe's wages at the aggregate sum of five hundred dollars (\$500) or more a year, and every determination to issue the bonds of

the city or in any way to contract indebtedness exceeding two hundred dollars (\$200), and every provision for the sale of any real or personal estate for the city of the value of two hundred dollars (\$200) or more, and every determination to make any improvement or to take private property for public use, and every levy of taxes and every special assessment shall be by ordinance or resolution in writing.

SEC. 12. Every ordinance whatever and every resolution in writing, such as mentioned in the provision of the last preceding section, which shall be passed by the common council shall be signed by the president of the council and attested by the city clerk, who shall attach his official seal, and on the next day after the passage thereof the same shall be transmitted by the city clerk to the mayor for his approval. If the mayor approves the same, he shall append his signature, with the date of his approval, thereto, and return the same to the city clerk within five (5) days from the date of its transmission to him; and if he declines to approve the same, he shall, within said period of five (5) days, return the same to the city clerk with a statement of his objections thereto, to be presented to the common council at its next meeting thereafter.

Upon the return of an ordinance or resolution to the common council without the mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and if, upon such vote, which shall be taken by a call of the ayes and noes, four-sevenths ( $\frac{4}{7}$ ) of all the members of the common council shall vote in favor of such ordinance or resolution, the same shall be declared enacted and shall have the same force and effect as if approved by the mayor. If any ordinance or resolution so submitted to the mayor shall not be returned by him to the city clerk within five (5) days (Sundays excepted) after presentation thereof to him, the same shall be deemed to be approved by him and he shall deliver the same to the city clerk on demand.

No ordinance shall be passed at the same meeting of the common council at which it shall have been presented, except on the unanimous consent of all the members present, which shall be noted in the record; but this shall not preclude the passage of ordinances reported by any committee of the common council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 13. The style of all ordinances shall be: "The common council of the city of Rochester do ordain."

All ordinances, when passed as aforesaid, shall be recorded by the city clerk in books provided for that purpose, and before they shall be in force they shall be published in the official paper of the city at least one (1) week; but before any of said ordinances shall be recorded, the publication thereof as aforesaid shall be proved by the affidavit of the foreman or publisher of such paper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

In all actions, prosecutions and proceedings of every kind before the city justice of the city of Rochester, or any justice of the peace of said city, such court or courts shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances in such courts.



SEC. 14. The common council may repeal or amend any ordinance by it enacted, but every such repeal or amendment must itself be by ordinance, and the council shall have no authority to modify any ordinance or to make any exception to the operation thereof by a mere motion or resolution.

SEC. 15. *Adjustment of accounts of city officers.*—The common council shall examine, audit and adjust the accounts of the city clerk, street commissioner, justice of the peace, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each fiscal year and before the term for which the officers of said city were elected or appointed shall have expired; and the common council shall require every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the order of said common council, in the discharge of his said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said common council or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or the discharge of his official duty, and shall make a full record of all such settlements and adjustments.

## CHAPTER V.

### FINANCES AND TAXATION.

SECTION 1. The fiscal year of said city shall commence on the first (1st) day of April in each and every year.

SEC. 2. All funds in the city treasury shall be under the control of the common council, and shall be drawn out upon the order of the mayor and city clerk, duly authorized by a vote of the common council, and all orders shall specify the purpose for which they are drawn, and the fund from which they are payable and the name of the person in whose favor they may be drawn, and shall be payable to the order of said person and may be transferred by indorsement.

No appropriation shall be made unless a majority of the members of the common council shall vote in favor of it.

SEC. 3. All moneys and securities belonging to the city shall be divided into the following funds, accounts of which shall be kept separate and distinct, viz.:

*First*—A general fund, in which all the revenues of the city shall be placed, except such as are herein directed to be placed in some other fund. The general fund may be used for any lawful city purpose in the discretion of the common council, and money may be transferred from the general fund to other funds by the common council.

*Second*—A street and alley fund, into which shall be placed all taxes levied especially for this fund for improving streets and alleys and public grounds, and for building and repairing of sidewalks and crosswalks, paving, macadamizing and grading streets, alleys and public grounds, and all special assessments collected on account of street grading and the construction and repairing of sidewalks ordered by the common council.

*Third*—A bridge fund, in which shall be paid all taxes levied by the common council for building and repairing bridges.

*Fourth*—A permanent improvement fund, in which shall be paid all taxes levied by the common council for purchasing ground and erecting and repairing buildings for city purposes.

*Fifth*—An interest fund, into which shall be paid all taxes levied by the common council for the payment of interest to become due during the next fiscal year on the bonded indebtedness of the city, and shall be used only for the payment of interest on the bonds for which the city is liable and for transfer to the sinking fund.

*Sixth*—A sinking fund, into which shall be paid all taxes levied by the common council for the purpose of providing for the certain payment of the bonded indebtedness of this city and all funds transferred to this fund from the other funds by the common council, and shall be used only for paying bonds on which the city is liable, which funds shall be managed and the money invested as hereinafter provided.

*Seventh*—A special fire department fund, into which shall be paid all moneys received by the city from the state for the benefit of the fire department by virtue of the statutes of this state and any amendment thereof, and said fund shall be subject to disbursement for those purposes only specified in said statutes or amendments.

*Eighth*—A sewer fund, in which shall be placed all taxes levied by the common council for the purpose of constructing or repairing sewers in said city. All assessments collected on account of the construction or repair of sewers ordered by the common council of said city, and all moneys arising from said or arising from city bonds or certificates issued by the common council for the purpose of constructing or repairing sewers shall be placed in this fund, and the same shall be disbursed only for the purposes for which the same was levied, assessed or paid.

*Ninth*—A fire protection fund, into which shall be paid all taxes levied by the common council for the purpose of paying a hydrant rental or maintaining fire protection for said city.

**SEC. 4. *Property Subject to Taxation.***—All property, real and personal, within the city, except such as may be exempt from the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the same manner provided by the general laws of this state for the assessment of taxes for town purposes, except as herein otherwise provided.

**SEC. 5. *Levy of Taxes.***—The common council shall have power annually to levy taxes on all the taxable property in said city as follows:

*For the General Fund*—So much as they may deem necessary, not exceeding five (5) mills on the dollar of the assessed valuation of said city as shown by the last assessment.

*For the Street and Alley Fund*—So much as they may deem necessary, not exceeding five (5) mills on the dollar of such assessed valuation.

*For the Bridge Fund*—So much as they may deem necessary, not exceeding five (5) mills on the dollar of such assessed valuation.

*For the Permanent Improvement Fund*—So much as they may deem necessary, not exceeding five (5) mills on the dollar of such assessed valuation.

*For the Interest Fund*—So much as may be necessary to pay accruing interest on outstanding bonds on which the city is liable, not otherwise provided for.

*For the Sinking Fund*—So much as may be sufficient from year to year to pay all bonds at maturity on which the city is liable, not exceeding two (2) mills on the dollar of such assessed valuation.

*For the Sewer Fund*—So much as they may deem necessary, not exceeding three (3) mills on the dollar of such assessed valuation.

*For the Fire Protection Fund*—So much as may be necessary to pay the hydrant rental or maintaining fire protection for said city.

SEC. 6. No appropriation shall be made without a vote of a majority of all the members of the common council in its favor, which shall be taken by ayes and noes and entered on the minutes of the common council.

SEC. 7. The common council may provide for the examination from time to time of such canceled orders, and also canceled bonds or other obligations in the hands of the city treasurer, and for their destruction, preserving such record or vouchers thereof as the common council, or any committee thereof, may deem proper.

SEC. 8. All appropriations and expenses of the city, not otherwise provided for, shall be paid out of the general city fund.

## CHAPTER VI.

### THE SINKING FUND.

SECTION 1. In order to provide for the certain payment of the bonds and debts of the city the common council is authorized to create and maintain a sinking fund.

The mayor, the president of the common council and the chairman of the finance committee of said common council shall constitute and be known as "The commissioners of the sinking fund of the city of Rochester."

The common council shall by ordinance define the duties of said commissioners not herein enumerated.

SEC. 2. Any two (2) of the officers above named are hereby authorized and required to discharge the trust and duties vested in them in the succeeding sections of this chapter, but shall not be entitled to receive any additional salary or compensation for such service.

SEC. 3. The said commissioners shall, from time to time, invest the money which shall constitute the sinking fund for the redemption of the city debt, or any surplus or interest to the credit of the interest fund, or as much as they can, in the purchase of bonds issued by said city, or bonds issued by the board of education of said city, at the market value thereof; and the said commissioners shall be authorized to invest the said moneys, or such part thereof as they see fit, either in the purchase of said bonds or in the bonds of the state of Minnesota, or in the United States bonds, notwithstanding the said state or United States bonds may be above the par value thereof, or deposit the same in a designated depository as hereinafter provided; *Provided*, that they shall at all times give the preference to the purchase of city bonds if the same can be procured at reasonable rates.

SEC. 4. In case said city bonds cannot be purchased at par value and said commissioners shall deem it desirable, they may deposit a

part or all of said interest and sinking fund in one (1) or more designated national banks, savings banks, state or private banks, in the name of the city of Rochester. Such bank or banks or banker shall be designated by said commissioners, after advertising in one (1) or more newspapers published in the city of Rochester for at least one (1) week for proposals, which proposals shall state what security will be given to said city for such funds as deposited and what interest will be paid on the amount so deposited; and said funds, with the accrued interest, shall be held subject to check and payment from and after a time designated by said commissioners at the time of depositing said funds.

SEC. 5. Before any national, state, private or savings bank or bankers shall be designated as such depository, such bank or bankers shall deposit with the city clerk of said city a bond payable to the said city of Rochester and signed by not less than six (6) freeholders of said city as sureties, which bond shall be approved by the common council of said city and shall be in such an amount as said council shall direct, which amount shall be at least double the amount of funds to be deposited with such bank or bankers.

Said council may at any time require from such depository further or additional security; and in case of the neglect or refusal to furnish such security to be approved by said council, said commissioners shall withdraw the amount deposited in any such depository, and such depository shall pay interest upon the amount so deposited up to the time of such withdrawal.

SEC. 6. Whenever the said commissioners shall have invested any part of said fund in the purchase of the several description of bonds mentioned in this act, and shall at any time thereafter deem it for the best interest of said city that any part, or all, of the bonds of any such description be sold and the proceeds invested in any other description of such bonds, or such proceeds covered into the city treasury or deposited as hereinbefore provided, they shall have power to sell any such bonds at not less than the market value thereof, and re-invest or deposit the proceeds thereof.

SEC. 7. Whenever any of the moneys constituting the sinking fund for the redemption of the city debt shall be required for any such purchase or investment, deposit, or for the redemption of city bonds at their maturity, the amount of money so required shall be paid by the city treasurer upon the warrant of said commissioners. The city clerk shall attest said warrant and affix the seal of the city thereto.

SEC. 8. Whenever any of the money constituting said sinking fund is on deposit in a designated depository the same shall be paid by said depository upon the warrant of said commissioners. The city clerk shall also attest said warrant and affix the seal of the city thereto.

SEC. 9. It shall be the duty of the city clerk to attend all the meetings of said commissioners and to keep a correct journal of all their proceedings, which said journal shall be verified by said commissioners and attested by said clerk; and once in each year, and oftener if required by the common council, said commissioners shall render to the common council a full and detailed report of the proceedings of said commissioners, and all investments or other acts of said commissioners shall be based upon resolutions duly entered in said journal.

SEC. 10. In the event of a vacancy in office or inability of any of said commissioners to attend to the trust hereby imposed, it shall be the duty of the common council, by resolution, to designate one (1) or more of their number to supply the place of such commissioner for the time being.

The said commissioners shall meet upon the call of any one of them, and the mayor, or, in his absence, the acting mayor, shall preside at all meetings of said commissioners.

SEC. 11. All bonds and securities purchased by said commissioners shall be held in safe keeping by the city treasurer.

Whenever city bonds are paid by warrant of said commissioners, a record thereof shall be made in the book of said commissioners, and the said bonds shall be carefully canceled and burned by said commissioners in the presence of the common council.

SEC. 12. It shall be the duty of said commissioners to protect the credit of the city, and direct and superintend the remission of funds for the payment of interest on the bonded indebtedness of the city to the place where said bonds or interest may be payable, and if, at any time, said commissioners shall find that the interest fund for the payment of the interest upon the bonded indebtedness of said city shall not be sufficient to meet and pay such interest the commissioners may, by resolution to be entered upon their record and signed by them, recommend to the common council that any surplus balance to the credit of the sinking fund, or so much thereof as may be necessary to meet and pay said interest, may be transferred to the credit of said interest fund; or, in case of a surplus of the interest fund for any one year, they may recommend in like manner that said surplus be transferred to the credit of the sinking fund; *Provided*, that before said resolution and recommendation shall become operative, the same shall be reported to the common council and shall be approved by a resolution thereof, and the said resolution shall be certified by the city clerk to the commissioners and entered upon the record of said commissioners, and the same shall authorize said commissioners to make said transfers; *Provided further*, that this section shall not be so construed as to permit the transfer of funds from the interest or sinking fund to the credit of any other fund of said city, and that any other transfer of said funds is hereby forbidden.

SEC. 13. Whenever the sinking fund provided for in this act shall be insufficient to pay all the bonds of the city that may at any time become due, the common council may issue the bonds of the city, to run not to exceed twenty (20) years, on such terms as to the place of payment and rate of interest as may be deemed advisable, and to such an amount as may be necessary to meet such deficiency; but neither the common council nor any officer or officers of said city shall otherwise, without special authority of law or the provisions of this act, have authority to issue any bonds of said city or create any debt or any liability against said city in excess of the amount of revenue actually levied and applicable to the payment of such liability; *Provided*, that the common council may provide for the issuing of orders, payable not more than one (1) year after the date thereof out of the general or any special fund of said city, with interest at a rate not exceeding eight (8) per cent; but no more than ten thousand dollars (\$10,000) of such orders shall be outstanding and unpaid at any one time.

SEC. 14. If the common council shall deem it advisable, they may issue the bonds of the city, to run not to exceed twenty (20) years, on such terms as to place of payment and rate of interest as may be deemed advisable, and to such an amount as may be necessary to pay the bonds now outstanding against said city; *Provided*, that the rate of interest shall not be to exceed seven (7) per cent.

## CHAPTER VII.

### BONDS FOR LOCAL IMPROVEMENT.

SECTION 1. The common council, for the purpose of defraying the costs and expenses of making such local improvements within said city or building sewers therein, as may from time to time be hereafter determined to be made by said council, may from time to time issue the bonds of said city, to be designated as follows:

Those for local improvements shall be known as "City of Rochester Improvement Bonds," and those for building and repairing sewers shall be known as "City of Rochester Sewer Bonds," which bonds shall not exceed twenty-five thousand dollars (\$25,000) outstanding at any one time, such bonds to bear interest at such a rate payable annually or semi-annually, either in said city or in the city of New York, and the principal thereof to mature at such time or times and to be payable at such place as may in each case be determined by the common council. The several installments of interest accruing upon any such bonds shall be evidenced by coupons thereto attached. All such bonds and coupons shall be signed by the mayor and the city clerk of said city and sealed with the corporate seal thereof.

No such bonds shall be sold or in any manner disposed of by said city or said common council at less than their par value; *Provided*, that no such bonds shall be issued until the legal voters of said city of Rochester shall, in the manner hereinafter provided, determine that the same be issued; *And provided further*, that the provisions of this section shall not apply to the construction of any railroad within said city, nor shall any bonds or other evidence of indebtedness of said city be issued to any railroad or railroad company under the provisions of this act.

SEC. 2. Whenever the common council shall determine to make any such improvements and issue any such bonds, it shall adopt and enter upon its record a resolution setting forth the purpose for which such bonds are to be issued, the amount of such bonds to be issued, the rate of interest thereon and how payable, the time or times when the principal of such bonds shall become due, the place where such bonds are to be made payable, and all other conditions of the issue of such bonds; and shall also determine the time when the question of the approval or rejection of such resolution and the issuing of such bonds will be submitted to the legal voters of said city for their determination; and shall order a special election to be held within said city, upon a designated day, for the purpose of submitting such question to such voters; *Provided*, that such question shall not be submitted to the voters of said city at any general or charter election thereof.

And thereupon the city clerk of said city shall cause a copy of such resolution, together with a notice of the time of holding such election

at which the question of approval or rejection of such resolution and of the issuing of such bonds will be submitted to the legal voters of said city of Rochester for their approval or rejection, to be published in the official paper of said city for at least two (2) successive weeks, once in each week, next preceding such election, and by posting copies of such notice in three (3) of the most public places of said city, and due proof of such publication and posting shall be made and filed in the office of the city clerk of said city.

SEC. 3. Such election shall be conducted and the votes canvassed and return thereof made in the same manner as is prescribed by law for the election of the officers of said city at the annual charter election.

SEC. 4. The voters at any such election casting their ballots in favor of the approval of any such resolution and for the issuing of any such bonds shall use ballots having distinctly printed or written or partly printed and partly written thereon the words: "For approval of the resolution of the common council of the city of Rochester, authorizing the issue of the bonds of said city (state object for which the bonds are to be issued), and for issuing such bonds. Yes."

And those casting their ballots against the approval of any such resolution and issuing of any such bonds shall use ballots having distinctly printed or written or partly printed and partly written thereon the words: "For the approval of the resolution of the common council of the city of Rochester, authorizing the issue of the bonds of said city (state purpose for which the bonds are to be issued) and for issuing such bonds. No."

SEC. 5. If three-fifths ( $\frac{3}{5}$ ) of the votes cast at any such election shall be in favor of the approval of any such resolution and the issuing of such bonds, then said common council shall issue such bonds in the amount and upon the terms and conditions in said resolution specified, and not otherwise.

SEC. 6. The amount received from the sale of any such bonds shall be paid into the city treasury and placed to the credit of the proper fund for the benefit of which said bonds were issued.

SEC. 7. No proposition shall be submitted to the people under this chapter unless five-sevenths ( $\frac{5}{7}$ ) of the members of the common council shall vote in favor of such submission.

## CHAPTER VIII.

### SEWERS.

SECTION 1. The common council of said city, in addition to the powers conferred on said common council by this act, shall have power to establish and maintain, at any time and from time to time, any general system of sewerage for said city or for any sewerage district into which said city, or any part thereof, may hereafter be divided, or for any part or portion of said city, in such manner and under such regulation as said council may deem expedient, and such system or systems of sewerage to alter or change from time to time as said council may deem proper; *Provided*, that the sewerage plans and systems heretofore adopted by said common council shall continue to be the sewerage plan and system of said city until changed or modified by said common council.

SEC. 2. The said common council, for the purpose aforesaid, shall have power, at any time and from time to time, divide the said city of Rochester or any such part or parts thereof, as said council may deem expedient, into sewerage districts and to change or alter the same from time to time and to create a district sewerage fund for each or any of said districts in such manner and under such regulations as the said common council may deem expedient.

SEC. 3. The said common council is authorized, whenever it may deem the same necessary, to cause sewers to be constructed in any street or alley within said city, and to levy and collect the cost and expense thereof, excepting street and alley crossings and catch basins, or such portion of cost and expenses as said council may deem just, by an assessment upon the properties abounding or abutting on the portion of such street or alleys along which such sewers may be constructed, or an equal sum per foot front of such properties, or such cost and expense may be assessed partly upon such abutting properties and partly upon the property not abutting upon such street or alley, but benefited by such sewer. In either case such assessment may be made without regard to the cash or assessed valuation of any such property, and said council shall determine what proportion of such cost and expense shall be assessed upon such abutting, and what proportion thereof upon such non-abutting property; in either case the assessment per front foot shall be equal upon all classes of property of the same class. The cost and expense of any such sewer may be assessed partly in the manner aforesaid, upon the two (2) classes of property above named or either of them, and partly by taxation upon the whole property of the city; but in no case shall more than one-half ( $\frac{1}{2}$ ) of the cost of said improvements be assessed upon the whole property of the city or the sewerage district within which such sewer or sewers may be constructed.

The cost and expense of street and alley crossings and of all catch basins shall be paid out of the sewerage fund of the city, or out of the sewerage fund of the proper district.

SEC. 4. Whenever said common council shall vote to cause any such sewer as is mentioned in this act to be made, it shall determine and designate in a general way as nearly as may be practicable the character and extent of such improvement and the material to be used therein, and it shall thereupon be the duty of the city engineer of said city, or any other competent engineer designated by said council for that purpose, to make and present to said council an estimate of the cost of such improvement. Upon the reception of such report, said council may postpone action thereon to any regular or special meeting thereof, and may direct the city clerk of said city to advertise for and receive in the meantime bids for doing the work and furnishing the material, or either, required to construct or complete such improvement, and report the same to said council, or said council may, in any other manner, obtain information respecting the probable cost of such improvement.

SEC. 5. Whenever said council shall have obtained such information as it may deem necessary with reference to such improvement, it shall determine the manner in which the cost and expense thereof shall be assessed. If it shall determine that the whole or any part of such cost and expense shall be assessed upon any properties bounding or abutting upon such improvement, or partly upon such properties



and partly upon properties not so bounding or abutting but benefited thereby, it shall determine what properties are within each of said classes, and the proportion of such cost and expense to be assessed upon the properties in each of such classes, and shall appoint a meeting of such council, at which all persons interested in such improvement may be heard; and thereupon said city clerk shall prepare a list which shall contain the names of the owners, so far as the same are known, and a description of each and all of such properties, which list, together with the notice of the time and place of such meeting, he shall cause to be published once in the official paper of said city, and which publication shall not be less than ten (10) days prior to such meeting. At the time and place appointed for such meeting, said council shall meet and hear all persons interested in such improvements who may desire to be heard, and the council may adhere to its resolution to make such improvements, or modify the character thereof or manner of assessing the cost and expense thereof, or may abandon it.

SEC. 6. If said council shall determine to make such improvement it shall let the contract to the lowest responsible bidder, and shall enter into a written contract with him for the construction thereof, and said council shall require a bond on the part of the successful bidder, conditioned for the faithful performance of the contract, in such sum and with such sureties as the council may determine, which bonds shall be approved by the council.

SEC. 7. When such improvement shall have been completed the said council shall proceed to apportion and assess the expense of such improvement upon the principle and in accordance with its previous determination in the matter, and shall cause to be made and adopt an assessment of such cost and expense which may be in the following or any other form which said council may deem proper, viz.:

"The common council of the city of Rochester doth hereby assess and levy upon and against the several lots and parcels of land described below and situated in said city the respective sum of money set opposite each lot or parcel.

This assessment is made to defray the cost and expense of constructing a sewer along.....from.....to.....in said city.

Said lots or parcels of land abutting upon such improvement are assessed upon the basis of.....per foot front, and said lots not abutting upon but benefited by such improvement upon the basis of.....per front foot.

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	ABUTTING OR BENEFITED.	AMOUNT.	
					DOLLARS.	CENTS.

Done at a meeting of said common council held this.....day of  
.....A. D. 18.....

Attest:

.....  
Mayor.

.....  
City Clerk.

Such assessment shall be returned to the county auditor of the county of Olmsted on or before the first (1st) day of September next after the making thereof.

Said auditor shall extend the said assessment upon the tax list as a tax upon the several lots or parcels of land in said assessment described, and such taxes shall be collected and the payment thereof enforced in the same manner as may by law be provided for the collection of state and county taxes.

No error or informality in the levy of any such tax, or in the making of such assessment, or in any of the proceedings herein provided, shall in any manner vitiate or affect the legality of such tax assessment or prevent the collection thereof.

SEC. 8. Said common council is hereby authorized to prescribe the conditions upon and manner in which any sewer that now is or hereafter may be constructed within said city may be tapped or connected with by any person, and also determine the amounts to be paid said city for permits for so doing, as well as to prescribe such regulations and enact such ordinances in relation to such sewers and sewerage, and for the protection and maintenance thereof, as said council may deem expedient.

## CHAPTER IX.

### PUBLIC IMPROVEMENTS.

SECTION 1. The common council shall have the care, supervision and control over all public highways, bridges, streets, alleys and grounds within the limits of said city, and shall cause all streets, alleys or highways within the city to be kept open and in repair and free from nuisances, and shall have the same authority for laying out public roads in the unplatted part of said city as is given to supervisors in the townships by the general laws of the state. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city shall be recognized as a public street or alley of said city, unless the common council shall first approve of the plat thereof, or accept such dedication, or afterwards confirm the same by ordinance specially passed for such purpose. The common council of said city, by a vote of not less than a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same; *Provided*, that whenever it shall be required to take private property for the purposes above stated, they shall proceed in the manner hereinafter provided:

*First*—The common council, upon ordering an improvement above mentioned to be made, shall appoint as many commissioners as there may be wards to said city, selecting one (1) from each ward, who shall be a disinterested freeholder and qualified voter of said city, to view the premises and assess the damages which may be occasioned by the taking of private property or otherwise in making said improvements. Said commissioners shall be notified, as soon as practicable, by the city clerk of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioners, upon being so notified, shall neglect

or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city not exceeding fifty (50) dollars, and shall be liable to be prosecuted before the city justice of said city, as in case of fines or a violation of an ordinance of said city, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees as aforesaid, selected from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy the common council shall fill such vacancy.

*Second*—The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council.

*Third*—The said commissioners shall, with all reasonable speed, with the assistance of the city engineer of said city, cause a survey and plat of the proposed improvement to be made and filed with the city clerk, exhibiting, as far as practicable, the land or parcels of property required to be taken or which may be damaged thereby, and shall thereupon give notice, by publication in the official newspaper of said city, for at least ten (10) days, to the effect that such plat has been filed and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises and assess the damages for the property to be taken or which may be damaged by such improvement.

*Fourth*—At the time and place appointed according to said notice, the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When the view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incident thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

*Fifth*—If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall, in each case, determine and assess the amount of damages which should be paid to the owner or owners thereof in case such building, or so much thereof as might be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they shall elect to remove such building, and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

*Sixth*—If the land and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damages done to such persons or interests respectively may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

*Seventh*—The said commissioners, having ascertained and assessed the damage aforesaid, shall make and file with the city clerk a written report to the common council of their actions in the premises, embracing a schedule or assessment of the damages in each case, a description

of the land and the name of the owners, if known to them, and also a statement of the cost of the proceeding.

*Eighth*—Upon such report being filed in the office of the city clerk, the said city clerk shall give at least ten (10) days' notice, by publication in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council at a meeting thereof, and be named in said notice, unless objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings standing, in whole or in part, upon any land required to be taken by such improvement, shall, on or before the time specified in said notice, notify the common council, in writing, of their election to remove such building according to the award of the commissioners. The common council, upon the day fixed for the consideration of such report, or at such subsequent meeting, to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the assessment, giving due consideration to any objections interposed by parties interested.

*Ninth*—The damages assessed shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within six (6) months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid, and in case the said city should be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited by order of the common council in the district court of the county in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claim thereto.

*Tenth*—In case any owner or owners of buildings, as aforesaid, shall have elected, in manner aforesaid, to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall therefor be entitled to payment from city of the amount of damages awarded in such case in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as there may be necessary, upon payment or depositing the damages awarded for such taking in manner aforesaid, may be then taken and appropriated, sold or disposed of, as the common council shall direct, and the same extra proceeds thereof shall belong to said city.

*Eleventh*—When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disabilities, the judge of the district court, or, in his absence, the judge of any court of record, may, upon application of said commissioners or of said city, or such party of his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served upon such guardian.

*Twelfth*—Any person feeling himself aggrieved by such assessment may, by notice in writing served on the mayor of said city (a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county within twenty (20) days from the time of confirmation of said report or assessment), appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in a notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified considered; and a transcript of such report certified by the city clerk, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeal from justices of the peace in civil suits.

SEC. 2. *Contracts—How Made.*—The common council of said city shall have power to ordain and contract for the making, grading, repairing, cleaning, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers, and building and repairing sidewalks and crosswalks within said city and to direct and control the persons employed therein, and all such improvements shall be superintended by the city engineer or his assistants.

SEC. 3. *Cost of Improving—How Paid.*—The cost and expense of surveying streets, alleys and sidewalks and estimating work thereon shall be paid out of the general city fund, and repairing and cleaning streets and alleys shall be chargeable to and payable out of the street and alley fund of said city. Grading, guttering, graveling or planking streets and alleys to the centre thereof, including the intersections of streets and alleys intersecting the streets to be improved, shall be chargeable to and payable by the lots fronting on such street or alley so improved within the line of improvement, so far as the work extends, and each lot on the line of such improvement shall be assessed and chargeable with the cost of improvement made in proportion to their fronts on such street or alley; *Provided*, that when the streets or alleys intersecting the street or alley to be improved are improved at the same time, the cost of improving intersections shall be chargeable in equal proportions upon the streets and alleys so improved in proportion to their frontage thereon, within the line of the improvement; *Provided further*, for the purpose of such assessment, the sides of all lots adjoining said improvements shall be deemed fronts.

SEC. 4. *Streets Graded—When.*—No grading of streets or alleys to be done at the expense of the lots fronting such improvements shall be ordered by the common council, except upon a petition of a majority of the owners of the lots chargeable with the expense thereof. On receipt of such petition the common council may, if they deem it for the best interest of the city, grant the prayer of the petitioners, by resolution passed to that effect, and shall require the city engineer to examine the premises and report a grade, if one be not already established, and an estimate of the whole expense thereof, and shall file in the office of the city clerk an accurate survey and profile of such grade.

SEC. 5. The common council of said city shall have power to pave or macadamize, or repave or remacadamize, any street or alley, or cause the same to be done by written contract, on the petition of a majority of the property owners abutting upon such street or alley upon which said improvement is made, and partly by taxation upon the whole property of the city; but in no case shall more than one-half (½) of said improvement be assessed upon the whole property of the city; or the whole of such cost and expense may be wholly by taxation upon the whole property abutting such improvement. The cost and expense of such improvement on all street or alley crossings shall be paid out of the street and alley fund of said city.

SEC. 6. The common council of said city shall prescribe the width of all sidewalks by them ordered to be constructed or repaired, and the material and construction thereof, and all sidewalks in said city shall be built upon an established grade.

SEC. 7. The common council or city engineer of said city shall have power to prevent the laying out or construction of any sidewalks which shall not be constructed in the manner or of the material, width, size or grade established by such ordinance, and may also require the repair, removal or reconstruction of any sidewalk now laid, and which may not be of the width, grade or material designated in such ordinance.

SEC. 8. Whenever the common council of said city shall deem it necessary to construct or rebuild any sidewalk in said city, they shall, by resolution, require the city engineer or his assistants to publish a notice to all owners or occupants of any lot or parcel of land adjoining such proposed sidewalks to construct or rebuild so much thereof as adjoins their several lots at his or their own expense and charge, within a certain time designated in such notice, not less than thirty (30) days from the first publication thereof. The said notice shall be published in the official paper of said city not less than two (2) weeks, and shall contain a substantial description of the locality where each sidewalk is to be constructed or rebuilt, the nature of the work to be done and the time within which the owners or occupants are required to do the same; and in said resolution said council shall order the city engineer, or his assistants, to build or reconstruct, as the case may be, such sidewalk, if the same is not built or reconstructed within the time aforesaid by the owners or occupants of the abutting property, at the expense of said property.

SEC. 9. If any such work or any part thereof is done by the city as provided in section eight (8), the common council shall assess the expense of the building or repair of said sidewalk, with interest on the cost thereof at the rate of two (2) per cent per month from the time of performing said work until the first (1st) day of June next thereafter, upon such lots or parts thereof so chargeable, in such manner that each lot or part thereof shall be charged with the whole expense, and interest as aforesaid, or of the cost of repair of said walk adjacent thereto; and such assessment shall be a lien upon said lot or lots, as in the case of the city, county and state taxes. And the common council shall cause a statement of such assessment to be returned to the auditor of Olmsted county at the same time with the city taxes levied by them, if any. And such assessment when so transmitted to said county auditor shall be collected and payment thereof enforced in like manner as city, county and state taxes are collected and payment thereof enforced.

SEC. 10. The expense of constructing or repairing sidewalks in said city shall include all stone work, excavation or filling to make the same upon established grades.

SEC. 11. All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land, in pursuance of notice under this act, or without such notice, shall be subject to the approval of the city engineer or his assistants of said city.

SEC. 12. No error or informality in the proceeding under this chapter shall vitiate the assessment made by virtue hereof, and any objection to any assessment shall be made to the common council before the return thereof to the auditor of the county of Olmsted; *Provided*, the notices hereinbefore provided for shall have been given and proof thereof filed with the city clerk of said city.

SEC. 13. No public grounds, streets, alleys or highways within said city shall be vacated or discontinued by the common council except upon a petition of three-fourths ( $\frac{3}{4}$ ) of the owners of property on the line of such public grounds, streets, alleys or highways resident within the said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners. The common council shall, thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city for four (4) weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by resolution passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds for the county of Olmsted.

SEC. 14. Any person aggrieved thereby may, within twenty (20) days after the publication of such resolution, appeal to the district court of Olmsted county under the same regulations as in the case of opening streets and alleys, and the judgment of said court thereon shall be final.

SEC. 15. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds for Olmsted county.

SEC. 16. The grade of any street now established, or which may hereafter be established, may be changed by the common council on a vote of five-sevenths ( $\frac{5}{7}$ ) of all the aldermen elected in favor of such

change of grade. The common council shall cause to be established, under the direction of the city engineer or his assistants, the grade of all streets, sidewalks and alleys in said city which they may consider necessary to be graded, and shall cause an abstract of the same to be made, showing the points at which the said graded line begins, ends and changes; also, the elevation or depression, differences of these points as compared with the point from which the levels for all street grades are taken, the distance between each change and the ratio of inclination between the points of change. The city clerk of said city shall record said abstract in a book kept by him for that purpose, certifying to the same; also, certify to the time of its adoption. The city clerk shall furnish a certified copy of such abstract to the register of deeds of Olmsted county, who shall record the same in a book kept for that purpose. The city clerk shall also furnish to the register of deeds a certified copy of all abstracts of grades now on record in his office, who shall also record the same in a book kept by him for that purpose. Should the grade line so established be, at any time thereafter, altered, all damages, cost and changes arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement which may be injured in consequence of the alteration of such grade.

## CHAPTER X.

### SCHOOL DISTRICT AND SCHOOLS.

SECTION 1. The city of Rochester, in the county of Olmsted, shall constitute one school district under the general school laws of this state, except so far as they are modified in their application to said district by this act, and hereafter all schools organized therein in pursuance to this act shall be under the control and direction of a board of education, and be free to all persons between the ages of five (5) and twenty-one (21) years, resident in said city.

SEC. 2. The board of education shall consist of one (1) member from each ward and two (2) members at large. The members from the wards shall serve for two (2) years and the members at large for two (2) years and until their successors are elected and qualified.

SEC. 3. The board of education shall possess all the powers of boards of directors in independent school districts under the general school laws of this state, and, in addition thereto, such powers as are conferred upon them by this act; *Provided*, that taxes shall not be assessed or levied except as in said act, to which this act is an amendment as provided.

SEC. 4. The board of education shall have power to levy a tax on all taxable property in said city each year sufficient, with the amount received from other sources, to maintain necessary schools in said district ten (10) months in each year, including the amount required for fuel and repairs of school buildings; *Provided*, that said board shall not levy a tax of more than five (5) mills on the dollar of the valuation of said property in any one (1) year, except by and with the assent and approval of the common council of said city; and such taxes shall be levied and collected as other taxes are or may be levied and collected in said city.



SEC. 5. For the purpose of purchasing necessary ground, improving and ornamenting the same and erecting school buildings thereon, the board of education shall have power, by and with the assent and approval of the common council of said city, to levy taxes on all the taxable property in said city not exceeding in any one (1) year ten (10) mills on the dollar of the assessed valuation thereof, and may for like purposes and for the purpose of funding the present school debt, and with like assent and approval of said common council, issue the bonds of said district, payable on or before fifteen (15) years after date thereof, with interest not exceeding seven (7) per cent per annum, payable annually; *Provided*, that not more than fifteen thousand dollars (\$15,000) of such bonds shall be outstanding and unpaid at any one time.

SEC. 6. The board of education shall have full control of all the public schools in said district, and shall have power to direct where pupils shall attend school, what books shall be used in the several schools and may grade said schools, and make and enforce any reasonable rules or regulations pertaining to the management and government of such schools.

SEC. 7. Within fifteen (15) days after each annual election in said city, which shall be the annual election of said district, said board of education shall meet at the office of said board, and after being duly qualified, shall proceed to elect one of their number president and one of their number clerk. The clerk shall receive for his services such compensation, not exceeding one hundred dollars (\$100) per annum, as may be determined by said board.

The president shall preside at all the meetings of the board, but shall have only a casting vote in case of a tie; he shall sign all orders drawn on the treasurer voted to be paid by said board. A majority of said board shall constitute a quorum for the transaction of business, but the president of said board is not to be considered a member for the purpose of making such a majority. No money or tax shall be legal unless sustained by a majority of all the board elected, and in the making of such majority the president is not to be considered a member of said board.

SEC. 8. The clerk shall act as clerk of the district, as all district clerks are now required by law, and perform the duties required of clerks under the general school laws of this state, and make all necessary returns to entitle said district to the benefits of the appropriation of the common school fund; also, draw and attest all orders on the treasurer for money voted by said board, and keep all district accounts as required by law.

SEC. 9. The county treasurer of Olmsted county shall pay all orders signed by the president of the board of education of said city and attested by the clerk of said board, if there are sufficient funds in his hands belonging to said district, and shall deliver to the board of education the said orders so paid by him at the time of settlement with the said board; and the duties of the office of the district treasurer are hereby devolved upon the county treasurer of said county, and the office of district treasurer is hereby abolished, and the said county treasurer shall not receive any compensation for the services herein provided for.

SEC. 10. No money shall be drawn from the county treasury for or on behalf of said school district, except on an order signed by the

president of the board and attested by the clerk, stating in said order for what purpose the same is drawn; and the records of the district shall be so kept as to show the name of each member of the board of education voting for any appropriation, and no order shall be drawn on the county treasurer of said county of Olmsted on behalf of said district except upon the affirmative vote of a majority of said board.

SEC. 11. If a quorum of the members of said board shall not be present at any duly called meeting of said board, the members present shall adjourn from time to time until such a time as a quorum shall be present, and they shall have the same power to compel the attendance of absent members as are given by this act to the members of the common council of said city.

SEC. 12. The board of education shall annually, on the first (1st) Monday of September of each and every year, make a detailed report to the common council of said city of the receipts and expenditures of said board for the preceding year, ending July 31st, and showing such report the amount of outstanding indebtedness in orders or bonds, or both, and the accrued interest thereon.

SEC. 13. The board of education of school district No. 8 of Olmsted county, the same being the school district included in the limits of the city of Rochester, are hereby authorized to sell and convey any real estate not used for public purposes belonging to said school district or in which said school district has any interest; all conveyances for the same shall be executed by the president and clerk of said board on behalf of said school district.

SEC. 14. All acts and parts of acts in the general school laws and in the charter of the city of Rochester conflicting with the provisions of this act are hereby repealed, so far as they relate to the school district herein named.

## CHAPTER XI.

### JURY LAW—TO PROVIDE FOR THE SELECTING, DRAWING AND IMPANELING JURORS IN THE CITY OF ROCHESTER, IN THE COUNTY OF OLMSTED.

SECTION 1. The common council of said city shall, on the first (1st) Monday of May in each and every year, select from the qualified electors of said city, properly qualified to act as jurors in the district court, one hundred and sixty-eight (168) persons, and to make a list thereof, which list shall be signed by the mayor and certified by the clerk of said city, and shall deliver the said list to the said clerk, and the persons so elected shall constitute the jurors for the city justice's court for the year ensuing, unless there shall be a deficiency, which shall be supplied as hereinafter provided. In preparing such list the common council shall select such persons only as they know or have good reason to believe are possessed of the qualifications of jurors and not exempt by law.

SEC. 2. The city clerk of said city, on receiving the said list selected by the common council, shall file the same in his office, and write the names of the persons contained in said list on separate pieces of paper, and fold up such pieces of paper, each in the same manner, as nearly as possible, so that the name written thereon shall not be visible, and shall place the same in seven (7) envelopes, with

twenty-four names in each envelope, and securely seal the same and number the said envelopes from one (1) to seven (7), inclusive, and file and securely keep the same in his office, to be used in impaneling a jury, as hereinafter provided.

SEC. 3. Whenever, in any action before the said city justice, cognizable before said justice, a jury trial shall be demanded, the said justice shall, by written order, require the clerk to deliver to the officer of said court one (1) or more of said envelopes, as may be necessary, commencing with the one numbered one (1), and consecutively, in the order of numbering, until a jury is impaneled.

SEC. 4. In the trial of any action cognizable by the said city justice, the officer of the said court shall break the seal of said envelope and deposit the pieces of paper with the names written thereon in a box to be provided for that purpose, and shall draw out of the said box one (1) of the pieces of paper, and shall distinctly pronounce the name written thereon, and if no objection is made by either party, the name so drawn shall be one of the names of persons to comprise the jury, and he shall continue to draw out the said names until the panel is full, when the names shall be returned to the envelope and sealed up and returned to the city clerk to be by him securely kept until the same shall be again needed in impaneling a jury.

SEC. 5. In the trial of any action in the said city justice's court, the plaintiff and defendant shall be each entitled to six (6) peremptory challenges, and the defendant shall first take his challenge to an individual juror when the name is drawn from the box, as hereinbefore provided, and if not challenged by the defendant the plaintiff may challenge the said juror; but no more than six (6) peremptory challenges shall be allowed by either party in the trial of the action, but either party may challenge a juror for cause when the jury is summoned and appear in court before the jury is sworn, and upon each challenge for cause the city justice shall determine whether the juror challenged is indifferent between the two parties, and his decision thereon shall not be subject to exception or appeal, and if the juror is excused another name shall be drawn from the box by the officer, and if no challenge to the person so drawn, he shall be sworn as a juror. And in case the names in the box shall be exhausted before the impaneling of a jury, the names contained in another envelope shall be put into the box, and so on, until a jury is obtained for the trial of the action; *Provided*, in case there shall be more than one (1) defendant in the action, all the defendants shall join in the challenge of the juror, either peremptorily or for cause.

SEC. 6. The envelopes used to impanel a jury from shall not be again used in the impaneling of a jury until the whole number of envelopes have been used, when those first used may be again used during the year as often as necessary, commencing with number one (1) and using the same continuously to number seven (7).

SEC. 7. The common council, in selecting the names of persons that comprise the jury list, shall not select the names of persons that were on the jury list the year next preceding the said election, and it shall be so arranged and provided that persons shall not be compelled to serve as jurors in the city justice's court only in alternate years, one year out of two.

SEC. 8. If there be a deficiency of jurors in said court, for any cause, the officer shall, under the direction of the said city justice,

summon from the bystanders or others a sufficient number to fill the panel, after all the names on the jury list shall have been exhausted, in the trial of any action pending in said court.

SEC. 9. The city justice shall issue a venire, as in civil and criminal cases, to compel the attendance of the person so drawn, and may compel the attendance of any juror by attachment, and for that purpose shall have the power of a court of record to punish, as for contempt, by fine not exceeding one hundred dollars (\$100) and imprisonment not exceeding ninety (90) days.

## CHAPTER XII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. All civil actions to recover any penalty or forfeiture under this act, or under any ordinance or regulation passed in pursuance thereof, or for any other authorized purpose, and all prosecutions for the violation of any penal provision in this act, or of any ordinance or regulation adopted in pursuance of this act, shall be brought in the corporate name of the city.

SEC. 2. In any complaint for the violation of any ordinance of said city, relating to the offense of vagrancy, it shall be sufficient to charge the defendant with being a vagrant, and evidence of all facts constituting the said offense in the particular case may be given under such general charge.

SEC. 3. No person shall be an incompetent judge, witness, juror, referee or commissioner, in any action or proceeding to which said city is a party, by reason of his being an inhabitant thereof.

SEC. 4. All deeds, leases or other conveyances or other written transfers of property made, and all written contracts entered into by the city, and all bonds or other evidences of debt issued by the city, shall, on behalf of the city, be signed by the mayor and attested by the city clerk.

SEC. 5. Services of process and writs, in any action or other judicial proceeding against the city, shall be made upon the mayor, and upon such service being made, the mayor shall immediately inform the common council thereof, and shall take such other steps in relation to the action or proceeding in which such process or writs are issued as may be required by ordinance in such case provided, or by resolution of the common council.

SEC. 6. When any final judgment shall be recovered in any complaint against the city, the same shall be paid out of any moneys in the general fund in the city treasury not appropriated or required for other purposes. If there are no moneys in said fund which can be devoted to the payment of such judgment without injury to other interests of the city, the amount of such judgment, with interest thereon, shall be included in the next levy of taxes ordered by the common council, and when collected shall be paid to the holder of such judgment.

SEC. 7. All real estate and the appurtenances thereto, all buildings, all engines, trucks, carts, appliance and apparatus, all machinery and all other property of any kind or description which is now or may hereafter be owned or held by said city or the board of education for

city or public uses or purposes, shall be exempt from taxation and seizure or sale under or by virtue of any execution or other writ or by virtue of any action or proceeding. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SEC. 8. Said city shall have the right to take and to prosecute an appeal to the district court of Olmsted county, or to the supreme court of this state, in any action or proceeding to which it may be a party, if the judgment, order or decree from which it may desire to appeal is one from which an appeal would lie under the general statutes of this state. And whenever such appeal is taken by the city, the requisite bond on appeal shall be executed in the name of the city by the mayor and attested by the city clerk, who shall affix the corporate seal of the city thereto; but no sureties or justification shall be required on such bond.

The provisions of this section respecting bonds on appeal shall apply to all other bonds which it may become necessary for the city to furnish in actions or other judicial proceedings.

SEC. 9. Said city shall not be liable in any case for the board, washing or fees on commitment, of any persons who shall be committed to the jail of Olmsted county on charge or conviction of any offense under the general statutes of this state; *Provided*, the city of Rochester shall be liable in all cases for the board and jail fees of every person convicted of any offense committed within the city limits of said city, punishable under the state laws or ordinances of said city, who may be committed by any officer of the city or any magistrate to the jail of Olmsted county, when the fine, if paid, would go to said city.

SEC. 10. The said city may hold, lease and purchase real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation and assessment while the property of said city.

SEC. 11. All contracts made by the city, in which the consideration exceeds two hundred dollars (\$200), shall be let to the lowest responsible bidder; *Provided*, that no contract shall be let unless a notice of the time and place of letting such contract is first published, before the letting of said contract, in the official newspaper of said city, at least one (1) week before the letting thereof, and all contracts shall be signed by the mayor and countersigned by the city clerk of said city.

SEC. 12. All papers, files, plats and other public records required to be kept, preserved and filed, unless otherwise provided for in this act, shall be placed, filed and preserved in the office of the city clerk.

SEC. 13. No failure to hold any election in said city at the time or in the manner in this act prescribed, or any failure on the part of the common council, or of any city officer or officers, to perform any duty prescribed by this act at the time when or in the manner in which it should be performed, shall operate to dissolve or suspend said city as a municipal corporation, or to diminish or affect the city's municipal or corporate powers or privileges, but such election may be held or such duty be performed at a subsequent time with full force or effect.

SEC. 14. Any person who shall violate any of the provisions of this act, for the violation of which no punishment has been provided herein, shall be guilty of a misdemeanor, and, upon conviction thereof,

shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the city or county jail not exceeding ninety (90) days.

SEC. 15. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 16. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed; *Provided*, that the repeal of such acts or parts of acts shall not in any manner affect, injure or in any manner invalidate any bonds, contracts or demands that may have been heretofore issued, entered into or that may exist by virtue or in pursuance of said acts or any of them, but the same shall exist and be enforced and carried out as fully and effectually as if this act had not been passed; and all ordinances, resolutions, regulations, rules and orders of said city, or the common council thereof, heretofore passed or adopted, not in conflict with the provisions of this act, and shall have the same force and effect as if passed or adopted under the provisions of this act.

SEC. 17. The mayor of said city shall receive for his services seventy five (\$75) dollars per year, and the aldermen of said city shall receive fifty (\$50) dollars per year for their services, and the chairman of the street and alley committee and the chairman of the finance committee of said council shall receive twenty-five (\$25) dollars additional for their services as such chairmen, and no other or further sum shall be paid said officers, or any of them, for any services which they may perform as such officers, and their salary shall not be increased or diminished during the terms of office for which they were elected. Any alderman or the mayor, acting or being appointed to act by the common council of said city as a member of any committee whatsoever of said council, shall receive no recompense for his services on such committee, except as herein provided.

SEC. 18. All officers of said city heretofore elected or appointed and now acting as such officers, shall hold their offices until the term for which they were originally elected or appointed shall expire.

It shall be the duty of the common council, holding their office at the time of the passage of this act, to appoint an alderman at large, who shall hold his office until the regular election of March, A. D. one thousand eight hundred and ninety-two (1892), or until his successor is elected and qualified.

The terms of the present members of the board of education shall expire only as at the time of their election; and all elections to fill vacancies from the expiring terms of any officer, or any member of the board of education, shall be held at the charter election next preceding the expiration of the term for which said officer or member was elected.

And all such officers and members so remaining in office under this act, shall have the same power and authority as if elected under this act.

SEC. 19. Nothing herein contained shall be construed to in any manner impair or alter the force and effect of any ordinance, by-law or resolution heretofore passed by the common council of said city of Rochester, which does not conflict with the provisions of this act.

SEC. 20. This act is a public act and need not be pleaded or proven in any court of this state.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 49.

[H. F. No. 251.]

## AN ACT TO INCORPORATE THE CITY OF ELY. .

*Be it enacted by the Legislature of the State of Minnesota:*

## CHAPTER I.

SECTION 1. All that part of the county of St. Louis, in the state of Minnesota, contained within the limits and boundaries hereinafter described, shall be a city, and all the people now inhabiting and those who shall hereafter inhabit the same district shall be and form a municipal corporation, under the name of the city of Ely. The said city shall have the powers generally possessed by municipal corporations at common law, and, in addition thereto, shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, and it shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all the courts of law or equity; and it shall have a corporate seal which it may alter at pleasure; it may purchase, lease, take and hold such real estate, personal and mixed property as may be required for the city uses or purposes, within or without the limits of the city, and may lease or sell and convey the same.

SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Ely, viz.: The northeast one-quarter (¼) of section thirty-three (33), the northwest one-quarter (¼) of section thirty-four (34), the south one-half (½) and lots one (1), two (2), three (3) and four (4) of section twenty-seven (27), and the southwest one-quarter (¼) and east one-half (½) of the southeast one-quarter (¼), and lots one (1), two (2) and three (3) of section twenty-eight (28), all in township sixty-three (63) north of range twelve (12) west of fourth (4th) principal meridian.

Said city shall be divided into three (3) wards as follows: The first (1st) ward shall comprise all of that portion of the city described as the northeast one-quarter (¼) of section thirty-three (33), the second (2d) ward shall comprise the entire of said described section twenty-eight (28), and the third (3d) ward shall comprise that portion of said city described as the northwest one-quarter (¼) of section thirty-four (34), and the entire of said described section twenty-seven (27) in said city of Ely; *Provided*, that said wards may be changed or new wards created by ordinance passed and adopted by three-fourths (¾) of all aldermen of the common council of said city, said alterations to be made so as to conform and comply with the laws as far as practicable, relative to voting precincts and their arrangement, as provided by the statutes of the state of Minnesota. Each ward shall constitute a separate elective district or precinct for the holding of elections provided for under this act and also under the laws of the state of Minnesota, and the separate elective ward officers shall be elected by the qualified electors of said wards.

SEC 3. Whenever any territory abutting the city of Ely or upon any addition thereto shall have been platted into streets, alleys, blocks and lots, in the proper shape for record and conforming to and corresponding with the adjacent city streets, alleys, blocks and lots, by the owners thereof, and a plat thereof made showing also the adjoining blocks and lots in the city and connecting streets and alleys of the city, accompanied by the properly certified abstract of title to said territory, showing title to be in the party or parties represented to be the owners of said land which it is desired to annex to the city, the city council shall, upon the petition of the owners of not less than one-half (1/2) of the property of said platted territory, by ordinance, declare the same to be an addition to the city of Ely, and as soon as a proper plat of such addition, together with the petition and a certified copy of such ordinance, shall have been duly recorded in the office of the register of deeds of the county in which such city is situated, such territory shall become and be a part of said city and within the jurisdiction thereof, as effectually as if the same had been by act of legislature, and the said city council may, by ordinance, divide the same into wards or annex the same to any other wards of the said city.

## CHAPTER II.

### OFFICERS AND ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, a clerk, who shall be styled the city clerk, assessor, city treasurer, municipal judge and special municipal judge, all of whom shall be residents and qualified voters of said city. Each ward shall elect two (2) aldermen and one (1) constable, all of whom shall be residents and qualified voters of their respective wards for thirty (30) days next preceding their election. No person shall be eligible to more than one (1) elective office in said city. All of said officers shall hold their offices for the term of one (1) year, and until their successors are elected and qualified.

SEC. 2. General elections after the first shall be held on the first Tuesday in April of each year. At least twelve (12) days before any general or special election after the first, the city council shall designate three (3) persons to act as judges or inspectors at such election and two (2) persons who shall act as clerks at such election. All elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections, and like notice shall be given. When any election shall be closed the judges or inspectors shall make return thereof to the city clerk, within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the city council shall canvass the returns thereof and declare the result as it appears from the returns, and the city clerk shall forthwith give notice to the persons elected of their respective elections.

SEC. 3. The first general election of said city shall be held on the first (1st) Tuesday in April in the year eighteen hundred and ninety-one (1891). The village council of the present village of Ely shall, at least twenty (20) days before the first (1st) general election, desig-



nate three (3) persons who are qualified electors to act as judges of election and two (2) persons to act as clerks of election to act at such election. Such election shall be held at such places within the different wards in said city as the village council of the present village of Ely shall designate, and there shall be as many sets of judges and clerks so appointed as there is different wards or voting precincts in the said city of Ely, as provided in this act.

The recorder of the village of Ely shall give at least ten (10) days' notice of the time and places of holding such first city election. When said election shall be closed, the judges thereof shall make returns thereof to the recorder of the present village of Ely, within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the city council of the present village of Ely shall meet and canvass the returns thereof, and declare the results as they appear therefrom, and the recorder of the present village of Ely shall forthwith give notice to the persons elected of their respective elections.

SEC. 4. Special elections in and for said city may be held at any time for the purpose upon order of the city council; at least ten (10) days' notice of any special elections shall be given as provided by law, and such notice shall state the object of such election.

SEC. 5. The elections shall be held and conducted in the same manner and under the same penalties as provided by the general laws of this state regarding elections, and all elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by casting lots, in the presence of the city council, at such time and in such manner as the city council shall direct.

All persons entitled to vote for state officers or county officers, and who have resided in the city or any election district thereof for ten (10) days next preceding any general or special election, shall be entitled to vote thereat.

Any person removing from any ward thereof for which he was elected or appointed, or any person who shall refuse, for ten (10) days after notice of his election or appointment, to qualify and enter upon the duties of his office shall be deemed to have vacated the office, and any officer having entered upon the duties of his office may resign by giving notice thereof to, or with the consent of, the city council, and it shall be the duty of the city council to declare the office vacant and to provide that the same be filled, as hereinafter provided. Whenever a vacancy shall occur in any elective office (except those of municipal judge and special judge), by removal, resignation or otherwise, the city council shall have power and it shall be their duty to declare the office vacant, by resolution entered upon the minutes; such vacancy shall be filled by the city council or the remaining members thereof.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of his predecessor, and with the same rights and subject to the same liabilities as his predecessor or the person whose office he may be appointed to fill.

No person shall be eligible to, shall be elected or appointed to any office in the city who is in any manner, either directly or indirectly, interested in any contract of the city, regardless as to whether said contract was made with city council, or any officer or board or committee of such city, for the benefit of such city; and all contracts made by the said city council, or any officer or board of said city, for the benefit of said city, with any officer, either directly or indirectly, shall be wholly void, and the officer so entering into any contract, as above set forth, shall be guilty of malfeasance in office, and, upon conviction of the offense, shall be removed from his said office, and his office shall be declared vacant by a vote of the council, entered upon the minutes of their proceedings, and by a majority vote of all the other members.

Every person elected or appointed to any office under the provision of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk, and the treasurer, city clerk and other officers, as the city council shall require, shall severally, before they enter upon the duties of their office, execute to the city of Ely bonds in such amounts and with such sureties and conditions as the city council shall prescribe and approve.

SEC. 6. Should there be a failure by the people to elect any person herein required to be elected, on the day designated, the city council may order a new election to be held, ten (10) days' notice of time being given.

### CHAPTER III.

#### THE DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city and *ex-officio* president of the city council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and [that] all officers of the city shall discharge their respective duties. He shall designate one of the aldermen of said city, who, in case of the absence of the mayor from the city or his inability from any personal reason to discharge the duties of his office, shall be acting city mayor, and all acts performed by him, while acting in the capacity of mayor, shall have the same force and validity as if performed by the mayor. -

SEC. 2. The city clerk shall keep his office at the place of meeting of the city council or at such other place as they may designate convenient to the place of meeting. He shall keep the corporate seal and all papers and records of the city, and also keep a record of the proceedings of the city council. Copies of all papers filed in his office and transcripts from all records of the council certified by him under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders upon the city treasury in pursuance of any resolution or order of the city council, and keep a full and accurate account thereof in books to be provided for that purpose by the city.

The city clerk shall have power to administer oaths and affirmations. It shall be his duty to report to the city council the financial condition of the city whenever the council shall require. He shall

make a list of the city bonds, to whom issued, for what purpose, when and to whom and where payable, the rate of interest they respectively bear, and recommend such action to the city council as will secure the interest on such bonds, on the first (1st) of September, or before the time to levy of taxes in each year, and to estimate the expenses of the city and likewise of the revenue to be raised for the current year. He shall estimate the expense of the work to be done by the city, or cause the same to be made. He shall countersign the contracts made in behalf of the city, certificates of work authorized by the city council, or by any officer, and every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the city clerk. The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city and in which [shall] at all times show the financial condition of the city, the amount of bonds, orders, certificates or evidence of indebtedness which have been redeemed and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city, and to keep accurate accounts thereof, stating to whom and for what purpose issued and the amount thereof; to keep accounts of all receipts and disbursements of the officers of the city; to keep accounts of different funds of the city, showing the amount received from the different sources of revenue and the amount they have disbursed under the direction of the city council.

He shall keep a list of all certificates issued for work or other purposes, and before the levy of the city council of any special tax upon the property of the city or any part thereof shall report to the city council a schedule of all the lots or parcels of land which may be subject to the proposed tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which such said schedule shall be certified by the affidavit of the city clerk and shall be *prima facie* evidence of the facts therein stated. In all cases wherein the validity of such special tax or assessment shall come in question, the city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

The city clerk shall examine all reports, books, vouchers and accounts of the city treasurer and from time to time perform such other duties as the city council may direct, and shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with index thereto; such records shall be open to the inspection of all parties interested, and to all residents of the city, to the same extent that public records of towns and villages usually are under the laws of this state.

The city clerk shall receive as compensation for his services rendered the city not to exceed the sum of one hundred and fifty (150) dollars in any one (1) year, except as otherwise provided in this act, and the compensation he shall receive shall be fixed by the city council within thirty (30) days after his election and qualification, and they may change, increase or diminish the same during the time for which such officer was elected or appointed.

The said city clerk shall have the custody of all papers and keep the records that are usually kept by town clerks, and shall receive the same fees and be subject to the same laws and obligations, as provided by the statutes of this state governing the same, within the

corporate limits of the city of Ely, and the fees so received by him for such services shall not be considered any part of the salary paid him for services for the city of Ely.

SEC. 3. The city council shall, at their first meeting after each annual election, appoint a city attorney, shall perform all the professional services incident to his office, and shall when required furnish opinions in writing upon any subject submitted to him by the city council or its committees; he shall advise with the council and the officers of the city regarding their official duties, and shall attend the stated meetings of the city council and of such committees as may require his attendance. His compensation shall be fixed by the city council; *Provided*, he shall not receive for his services to exceed twelve hundred (1200) dollars in any one year, nor less than six hundred (600) dollars; *And provided*, that the city council shall have the right and authority to employ an assistant attorney, to assist the city attorney in the prosecution or defense of any proceeding or action at law in which the city is interested or to discharge the duties of the city attorney when there is none.

The constables shall have all the power conferred on constables by the general laws of this state, and, in addition thereto, all the powers of the police officers of said city.

SEC. 4. The city treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate account and detailed statement thereof in such books and in such manner therein provided as the city council shall furnish.

The treasurer shall report to the city council annually, on or before the twenty-fifth (25th) day of January, a detailed statement of the receipts and a gross statement of the city orders paid during the fiscal year ending the date of said report, together with the condition of the treasury at such date, which statement shall be filed with the city clerk and a copy of the same published in the official paper of the city.

The treasurer's books shall, at all times, be subject to the demand of the city council for inspection, and to its appointed committees therefor, and also the city attorney, and as otherwise provided for in this act. The city treasurer shall, before he receives any money belonging to said city or office, give a bond to said city, with two (2) or more sufficient sureties, to be approved by the city council, for at least one and one-half (1½) times the amount of the money that will probably come to his hands at any one time during his term of office; and the said city council shall have the power to require additional and further security, at any time they think it for the best interests of the city to do so or for the purpose of securing any additional sums that may come into the treasury during his term of office, that may be raised by bonding the city or otherwise.

It shall be the duty of the city council to inquire diligently and ascertain beyond question that the bondsmen of such treasurer are worth the amount specified in their liability in said bond above their debts and liabilities and their property exempt from execution. The compensation of said treasurer shall be a commission of two (2) per cent on all moneys received by him into said treasury for the city, but not to exceed two hundred (200) dollars in any one year, for the receiving, safe keeping and paying out of the same; *Provided*, that he shall not, in any case receive to exceed fifty (50) per cent of his total commissions

for the year until he has presented his report, as hereinbefore provided for, to be presented on the twenty-fifth (25th) day of January of each year, and the same has been approved by the city council and has been published, when he shall receive the residue thereof. His bond shall be kept on file in the office of the clerk of the city.

SEC. 5. The assessor of said city of Ely shall qualify and perform the duties pertaining to his office in accordance with the general laws of the state relative to assessors, and shall, at the time provided by the general laws of the state, be present at the office of the city council or city clerk, or such other place as the city council shall provide, with his assessments and books for review. He shall be present during the review of such assessment to advise, if needed, in regard to the same, and upon completion of said review, within the time prescribed by general laws, make final return to the county auditor.

The assessor shall receive such compensation as the city council shall direct; *Provided*, that the compensation paid to him shall not exceed in any one year one hundred dollars (\$100) for assessing the personal property and one hundred and fifty dollars (\$150) for assessing the personal and real estate in the city.

SEC. 6. The city council shall at the first meeting after the annual election, or an adjourned meeting thereof, elect a street commissioner who shall hold his office at the pleasure of the city council. It shall be the duty of the street commissioner to conduct, execute or superintend any work, repairs or improvements upon the public works of said city as may be committed to him by the city council, and he shall be required to execute a bond with sureties, satisfactory to the city council, conditioned for the faithful performance of his duties and that he shall and will account for and pay over all moneys collected or received by him in his official capacity or belonging to the city.

SEC. 7. The city may, at their first meeting after the annual election, or as soon thereafter as practicable, elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the city council may prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk and be open to the inspection of persons interested. He shall hold his office at the pleasure of the council.

SEC. 8. The mayor, acting mayor and sheriff of the county of St. Louis, or his deputy or deputies, coroner and each alderman, the municipal judge, police officers, constables and watchmen shall be officers of the peace and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and, for that purpose may command the assistance of bystanders, and, if need be, of all citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine not to exceed fifty (50) dollars; in default of the payment thereof be imprisoned not to exceed thirty (30) days; and, in cases where the civil power may be required to suppress riots or disorderly behavior, a superior officer present, in the order mentioned in this section, shall direct the proceedings.

SEC. 9. The city council, at their first meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one (1) week, in such manner as the council shall direct, that sealed bids be received by the city clerk to do the printing. The bid or bids shall be publicly opened and read by the city clerk, at such time and place as the council shall appoint, and the person or persons offering to do such printing for the lowest sum of money or price, in any newspaper printed in said city, and shall give satisfactory security (if required) for the performance of the work shall be declared the city printer for the ensuing year; *Provided*, that the city council shall have the right to reject any or all bids.

In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the city council to be published in a newspaper.

The city printer designated, immediately after the publication of any notice, ordinance or resolution, which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution; *Provided*, that if no newspaper shall be designated as the official paper of said city, then any or all of the public printing of the said city may be done in any newspaper printed or published in the county of St. Louis, and all publications so made shall have the same force and effect as if made in an official paper.

If any person having been an officer of the city shall not, within ten (10) days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said office or city, or pertaining thereto, or belonging to the said city, he may have held, his successor may take possession of said books, papers and effects in the manner prescribed by the laws of this state, and such person shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment not to exceed ninety (90) days.

SEC. 10. The city council shall have the power at any time to require other and further duties to be performed by any officer whose duties are herein described, and not inconsistent with this act, and to appoint such officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the mayor, as herein provided, shall be appointed for a longer term than the one (1) year and until his successor is elected and duly qualified, or shall any appointment made by the said council in any event be for a time exceeding the term of office or extend beyond the term of the council appointing the person to fill any particular office or offices.

The city council shall have power, unless otherwise provided, to fix the compensation of all officers elected or appointed under this act; *Provided*, that the amount of compensation shall not exceed the maximum amount, as specifically set forth for the different officers, as otherwise provided in this act, and such compensation shall be fixed by resolution. No officer elected or appointed to office under the pro-

visions of this charter shall be a party to or interested in any contract, in which the city is interested, made while such officer is holding office; *Provided*, that the mayor and aldermen shall receive no compensation for their services as such officers in excess of ten (10) dollars in any one (1) year.

## CHAPTER IV.

### OF THE POLICE OFFICERS.

SECTION 1. The police force of the city shall consist of the mayor, who shall be the chief executive officer of the city and who shall at all times have control and supervision of the police of the city, and such other policemen and watchmen as he shall, by and with the consent of the city council, appoint. He shall have the power to remove, suspend or discharge any police officer summarily, whenever in his opinion the welfare of the city may demand it, either for the appointment of other officers in their places or for the reduction of the police force.

SEC. 2. The mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment; but such limited policemen shall not exercise any police powers or authority nor wear a badge outside the limits named in such appointment.

SEC. 3. The mayor shall, in cases of riot or large meeting or public gatherings or disturbances, or when in his judgment the case requires, appoint such number of special policemen or temporary policemen as he may deem proper and necessary, but such temporary appointments shall not continue more than one (1) week without the consent of the city council.

SEC. 4. The mayor shall, in his appointments, designate one (1) officer to be chief of police, and such other officers for special duties and with such control over other officers and watchmen as he may deem necessary, and may designate the rank of such officers by such proper title as he may select.

SEC. 5. All police officers and watchmen of the city shall possess the powers of constables at common law and under the general laws of the state, and in addition thereto shall have the power, and it shall be their duty, to serve and execute all warrants, processes, commitments, and any other writs whatsoever, issued out of the municipal court of this city, and they shall have the power, with the consent of or by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the city, and such criminals are charged with offenses against the laws of the state, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

SEC. 6. The mayor shall, with the consent and approval of the city council, from time to time, make such regulations for the control of the police force and the powers and duties of the several officers thereof as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercises of the police

force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force.

SEC. 7. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or wear a badge of a policeman within the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred (100) dollars or imprisonment not exceeding thirty (30) days. Before any police officer of said city shall serve any writ or process, civil or criminal, he shall execute to the city of Ely a penal bond with sureties to be approved by the city council to the same amount and conditioned the same as the bond of the constables under the laws of the state. Such bond shall be filed in the office of the city clerk of the city of Ely, for the use of all persons.

## CHAPTER V.

### THE CITY COUNCIL—ITS GENERAL DUTIES AND POWERS.

SECTION 1. The mayor and aldermen shall constitute the city council. A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if at a stated meeting.

SEC. 2. The city council shall hold a stated meeting on the second (2d) Tuesday after the general election at eight (8) o'clock P. M. and all other stated meetings shall be held on the first (1st) and third (3d) Tuesdays of each month, at eight (8) o'clock P. M. thereafter, and the mayor may call special meetings of the council by a notice given to each of the members, to be delivered personally or to be left at their usual place of abode or business, which said notice shall contain a statement of the business for which said meeting is called, and no other business shall be transacted in such meeting except as designated in such notice.

SEC. 3. The city council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for persons and papers. It shall determine the rules and regulations of its proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members, in addition to the forfeiture provided for in this act.

SEC. 4. The city council shall have power to remove from office any officer of the city, whether appointed by the council or elected by the people; but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges against him, nor until such person shall have had reasonable opportunity to be heard in his own defense; *Provided*, any person so appointed or elected, except police officers, shall have the right of appeal to the district court on all findings of a court of inquiry that shall investigate charges against him for the purpose of removing him from office, and from the decision rendered therein. Continued absence from the meeting of the council in case of the aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract of the city, shall be good cause for removal. The city council shall fix a time and place for the



trial of any officer, against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses and to hear and determine the case; and if such officer refuse or neglect to appear or defend himself, the council shall declare the office vacant.

SEC. 5. The city council shall have the management and control of the finances (subject to the provisions of this act) and all property of the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government of the city and to promote the good order of the same, for the suppression of vice and intemperance, for the benefit of the inhabitants thereof and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a city prison and workhouse for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense against any ordinance of the city or laws of the state cognizable before the municipal court of the city; to make rules and regulations for the government and management of the said city prison and workhouse, and to appoint keepers and other officers of the same and to prescribe their duties and fix their compensation. The keepers of said prison and workhouse shall possess all the powers and authority of jailers at common law and by the laws of the state. The city council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; *Provided*, that they are not inconsistent with the constitution and laws of the United States and of this state; and for these purposes shall have power and authority, by ordinances, resolutions or by-laws:

*First*—To license and regulate the exhibition of common showmen and shows of all kinds, the exhibition of caravans, circuses, concerts, theatrical performances, and also to license and regulate all auctioneers, billiard tables, bowling alleys, nine or ten pin alleys, butcher shops and butcher stalls and venders of meats, pawn shops, and pawnbrokers, insurance offices and insurance agents, taverns, lager beer saloons, skating rinks, victualing houses, and all public places of public amusement, and persons vending or dealing in spirituous, vinous, fermented or malt liquors, and all dealers in second-hand goods, junk dealers, and all keepers of intelligence offices and employment offices; all draymen and hackmen; *Provided*, that the power to regulate above given shall extend to and be construed to include, among other powers, the power to define who shall be considered pawnbrokers, auctioneers, dealers in second hand goods and junk dealers.

*Second* — To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gambling within the city, and to restrain from vending or dealing in spirituous, vinous, fermented or malt liquors, unless duly licensed by the council; and no license issued by the city council shall be transferrable except by authority of the city council; *Provided*, that nothing contained in these

articles of corporation shall be construed as to prevent the people of the city of Ely from deciding for themselves whether or not license shall be granted to any person or persons in said city to sell lager beer, spirituous, vinous, malt or fermented liquors, and the city clerk is hereby required, on the petition of ten (10) or more legal voters of said city, at any time less than ten (10) days before any annual city election, and notice thereof shall be given by said city clerk at the time and in the manner that notices of annual elections are given, and said question of license shall be determined by ballot containing the words: "In favor of license," or "Against license" (as the case may be), which vote shall be canvassed and returned as it is by law prescribed for canvassing election returns, and if such returns show a majority of the votes cast at such election to be against license, then in such case the city council shall grant no license to sell lager beer, spirituous, vinous, malt or fermented liquors in said city of Ely, until after the next general election, except to persons legitimately and *bona fide* engaged in the business or occupation of druggist, and then only for medicinal purposes and mechanical purposes; *And provided*, that no license shall be granted to any person to deal in or vend within the city limits any spirituous, fermented or malt liquors for a less sum than five hundred dollars (\$500) as a license fee for one (1) year or a part of one (1) year, nor a greater sum than one thousand dollars (\$1,000) for the same period of time.

*Third*—To prevent any fighting, brawling, assault, battery, disorderly noise, riot and disorderly assemblage in the city, and to provide for the arrest and punishment of any person or persons who may be guilty of the same; to suppress disorderly houses and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purposes of gambling.

*Fourth*—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, hide warehouses, stables, barn, privy, sewer or other unwholesome nuisance, house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

*Fifth*—To direct the location and management of the stock yards, slaughter houses, markets, breweries, distilleries, soap factories, glue factories and bone boiling establishments, and to regulate the storage, keeping and conveyance of gunpowder, dynamite or other explosive or combustible material, and to regulate the use thereof in the city.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs, or any other material whatever.

*Seventh*—To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of the track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and

to construct and keep in repair sidewalks; also suitable crossings at the intersection of streets and alleys, and sewers, ditches and culverts, when the council shall deem necessary; to regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the railroad crossings of railway tracks over such streets and avenues of the city as the city council shall deem to require such precaution; to prevent and punish immoderate driving or riding in the streets; to compel persons to fasten their horses or other animals in the streets, while attached to vehicles or otherwise, while standing in the streets, and to require all persons driving horses or mules at a faster gait than a walk, attached to sleighs, shall have sufficient number of bells to give notice of their approach, and to regulate places of bathing and swimming in the waters within the city limits.

*Eighth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties for the violation of ordinance.

*Ninth*—To prevent the running at large of dogs, and to require a license for keeping the same, and to provide for the and authorize the impounding and destruction, in a summary manner, of all dogs when at large contrary to the ordinance.

*Tenth*—To prevent any person from bringing, depositing or leaving within the city limits any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises such substances, or putrid or unsound meat, beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons, and to provide for the punishment of offenders.

*Eleventh*—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs, and to erect lamps; to provide for lighting of the city; to contract for the erection of gas works for lighting the streets, public grounds and public buildings, and for the erection and maintenance of any and all systems of electric lights for like purpose; to create, extend and alter lamp districts, or to contract with other parties to furnish gas or electric lighting for such purposes.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and for the registration of births and deaths and the return of lists of mortality, and to regulate and prevent the burial of the dead within the city limits.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered for sale contrary thereto.

*Fourteenth*—To prevent any person from riding or driving any ox, horse, mule, cattle or other animals, on the sidewalks of the city, or in any way doing damage to such sidewalks.

*Fifteenth*—To prevent the shooting of firearms or firecrackers, and to prevent any exhibition of firearms or fireworks in any situation which may be considered by the council by the city council dangerous to the city, or to any property therein, or annoying to any of the citizens thereof.

*Sixteenth*—To prevent open and notorious drunkenness and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all guilty persons thereof.

*Seventeenth*—To license and regulate porters, hackmen, expressmen and runners, agents, solicitors for stages, cars, public houses, or other establishments.

*Eighteenth*—To establish public markets and other public buildings; to make rules and regulations for the government and management thereof; to appoint suitable officers for the management thereof, and to provide for the enforcement of all rules and regulations in regard to the same.

*Nineteenth*—To license and regulate butcher stalls, shops and stands for the sale of game and fish, butter, poultry, butchers' meats and provisions.

Also to license and regulate, or restrain and suppress, all peddlers, canvassers, solicitors of orders for future delivery of goods in retail quantities, transient traders and persons selling goods at retail by sample.

*Twentieth*—To regulate the place and manner of weighing and selling hay and straw, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty first*—To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default to authorize the removal or destruction thereof by some officer at the expense of the owners or occupants; also, to compel the owner of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places; in default, to authorize such filling or draining at the expense of such owners, and to provide that such expense shall become a lien upon the land, lot or property so drained or filled.

*Twenty-second*—To regulate and prevent the landing of persons, from railroad cars or other conveyances, infected with contagious or infectious diseases or disorders, and to make such other disposition of such persons as may be necessary to preserve the health of the city.

*Twenty-third*—To regulate the time, manner and place of holding public auctions or vendues.

*Twenty-fourth*—To provide for watchmen and prescribe their number and duties, to regulate the same, and to create and establish the police of the city, and prescribe the number of police officers and their duties and to regulate the same.

*Twenty-fifth*—To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal and all kinds of meat, poultry, game, fish, salt, whisky, and other liquors and provisions, and to authorize the seizure and destruction of any grossly impure or adulterated articles sold that are dangerous to the public health, and to provide for the punishment of the use of false weights and measures.

*Twenty-sixth*—To appoint inspectors, weighers and gaugers, and to regulate their duties and prescribe their compensation.

*Twenty-seventh*—To purchase or acquire by gift or devise lands within the city limits, or to take and hold by lease such lands, for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees in the streets, alleys, parks or public grounds and highways of said city, and to appoint a suitable

person to inspect and take charge of the same, and fix his compensation and prescribe his duties.

*Twenty-eighth*—To remove and abate any nuisance injurious to public health or morals, and the city council shall have power to define what shall be considered nuisances, and to provide for the punishment of all persons who erect and maintain such nuisances.

*Twenty-ninth*—To remove and abate any obstruction or encroachment or nuisance on the streets and alleys, or public grounds and highways of the city.

*Thirtieth*—To do all acts and make all regulations which may be necessary and expedient to preserve health of the inhabitants of the city and the suppression of disease; to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city.

*Thirty first*—To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves, or without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame, or houses of prostitution or bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing in the night time the private premises of others, or begging, or placing themselves in the streets or thoroughfares or public places to beg or receive alms; also, keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune telling, place for cock fighting, or other place of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any articles or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week or Sabbath days, or places where religious worship is held.

*Thirty-second*—To license and regulate draymen, hackmen, expressmen and other persons engaged in the carrying of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and chief of police of said city to regulate and direct the location of vehicles standing on the streets and public grounds in said city.

*Thirty-third*—To regulate the construction of all buildings more than two (2) stories high, and to prescribe fire limits in said city, and to prohibit the erection of wooden buildings or of placing wooden sidewalks within said city limits.

*Thirty-fourth*—To provide for and regulate the erection of hitching posts or rings, for the fastening of horses or other animals, or to prohibit the same in any portion of the city.

*Thirty-fifth*—To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the city, and to compel proper guards about the same.

*Thirty-sixth*—To regulate the numbering of houses and lots, and to compel owners of houses and other buildings to have such numbers designated thereon.

*Thirty-seventh*—To require the owner or lessee of any building or structure now or hereafter erected in said city to place thereon such fire escapes, and such appliances for the protection against or extinguishment of fires, as may direct, and to do each and every thing and other act which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident.

*Thirty-eighth*—To regulate and control the quantity and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas and water metres, and appoint an inspector and prescribe his duties.

*Thirty-ninth*—To regulate the location, size and construction of steam boilers, as it may designate as being dangerous to life and property in the city; and to prohibit the location of such boilers at any place where the city council may deem dangerous to life and property.

*Fortieth*—To regulate and control or prohibit the placing of poles therefor or suspending of electric wires along or across any of the streets of said city, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed and placed beneath the streets and sidewalks of the city; to compel the proper insulation of all electric wires and other wires in use within the city.

*Forty-first*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-second*—To restrain, regulate and control the cutting of ice within the city limits.

*Forty-third*—The common council is authorized to permit the construction and operation of street railways within the said city, and may designate streets on which the same may be constructed, and may impose restrictions and limitations on the same as to the council may seem proper; but no such privileges shall be granted to any individual or individuals for a longer period of time than twenty (20) years, and the said council may provide for the introduction and use of electric lights within the city under such regulations as the council may prescribe.

*Forty-fourth*—The city council may provide for the laying out and the construction or constructing of a system of general sewerage within the city, and, if authorized thereto by a majority of the electors who shall vote upon the question of the issuing of such sewerage bonds at any general or special election, may issue and negotiate the bonds of said city in any amount not exceeding ten thousand (\$10,000) dollars, with coupons attached, to pay for the same; such bonds to run for such length of time and to bear such rate of interest, not exceeding seven (7) per cent, as to the council may seem proper.

*Forty-fifth*—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, avenues, alleys and public grounds of the city of Ely, and to provide for and control the erection of water works by said city for the supply of water to said city and its inhabitants, and to grant the right to one or more private companies or corporations to erect water works to supply said city and its inhabitants thereof with water, and to authorize and empower such company or corporation to lay a water pipe and main into, through and under the streets, avenues and public grounds of the city of Ely, and, when necessary for properly carrying out the purpose of said company or corporation, to appropriate private property in the city of Ely to the use of said company or corporation in the manner provided in this charter, and to control the erection and operation of such water works and the laying of such pipes and mains, in accordance with such terms and conditions as may be agreed upon with said company or corporation; and to provide for and control the

erection and operation of works for heating the public buildings of the city or private residences, by steam, gas, or other means, and supplying heat or power to the inhabitants of said city; to grant the right to erect such works and to control the erection and operation of such works and the laying of pipes, mains into, through and under the streets, avenues, alleys and public grounds of said city of Ely; *Provided*, that no such privilege shall be granted to any individual or individuals, companies or corporation for a longer period of time than twenty (20) years; *And further provided*, that every grant to a private company or corporation of the right to erect water works, gas works, electric works, heating works, as hereinbefore mentioned, shall provide for the sale of such works to the said city or its successors at any time after fifteen (15) years from the commencement of such grant, at a valuation to be agreed upon or determined in a manner to be prescribed in the grant; *Provided*, that a shorter time may be agreed upon by and between the city council and the party or parties, company or corporation, who may be granted a franchise for any one of the purposes heretofore enumerated, and, if authorized thereto by a majority of the electors who shall vote upon the question of issuing bonds for the purpose of establishing water works, or for the purpose of lighting the city or the heating of the same, or any part thereof, and the maintenance thereof by the city, at any general or special election, the city council may issue and negotiate the bonds of the city, in any amount not exceeding twenty-five thousand (\$25,000) dollars, with coupons attached, to pay for the same, such bonds to run for such length of time and to bear such rate of interest, not exceeding eight (8) per cent, as to the council may seem proper, and for the purpose of making provision for the payment of said bonds may establish a sinking fund of the city, (to be called the water bonds, or electric light, or gas light, steam heating, sinking fund, as the case may be, and may levy and assess a tax, not to exceed five (5) mills, on the taxable property of the city of Ely each year as other taxes are levied to create such fund, and may invest the proceeds thereof in good securities, and such as the city council shall designate, for the purpose of the payment of said bonded indebtedness when the same matures.

*Forty-Sixth*—To prevent and prohibit all persons, corporations or associations from building, constructing, maintaining or keeping within the said city any barb wire fence, or other fence constructed of such material as to be dangerous to the public.

SEC. 6. The style of all ordinances shall be: "The city council of the city of Ely do ordain," and shall be passed by an affirmative vote of a majority of the members of the city council, by ayes and noes, which shall be entered upon the records of the council and published once in the official paper of the city, if there be one, and, if not, then in any paper in St. Louis county, signed by the mayor and city clerk, and recorded by the city clerk before the same shall take effect; *Provided*, that the mayor shall not vote on any question before or passed by said council, except on a tie vote of the other members, when he shall cast the deciding ballot. No ordinance shall be passed at the same meeting at which it is presented except by the unanimous consent of the members present, which shall be noted on the records, but this shall not preclude the passage of any ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 7. A copy of the record of any ordinance passed, certified by the city clerk and attested by the seal of the city, and any copy thereof published as aforesaid, or compilations of the ordinances made and published under the direction of the city council, shall be *prima facie* evidence of the contents of such ordinance and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions, prosecutions and proceedings of every kind before the municipal court of said city it shall not be necessary to plead or prove such ordinance in said court.

SEC. 8. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which shall be by ayes and noes and entered among the proceedings of the council.

SEC. 9. The power conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 10. The city council shall examine, audit and adjust the accounts of the treasurer and all other officers of the city at such times as they deem proper, and also at the end of the year, and before their term of office shall expire, and if any officer shall refuse to exhibit his books of account and vouchers, for examination and settlement, or refuse to comply with the orders of the city council in the discharge of his duties in pursuance of this section, the city council shall declare his office vacant, and the council shall order suits and proceedings at law against any officer or agent of the city who may be delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

SEC. 11. The city council shall have the management and control of the finances and all the property of the city, both real and personal, and may provide for the sale of any city property, in such manner as it shall consider for the best interests of the city.

SEC. 12. The city council shall have power to acquire by purchase, grant or condemnation such private property as may be necessary for sites for public buildings for the use of the city or any department thereof, and for all streets, alleys, parks, public squares, public grounds in said city, and to ascertain and determine the value of such private property taken for such uses, and the amount of damages occasioned to any property by reason of any public works or structures, and for that purpose may appoint juries or committees or appraisers to appraise such values and damages, or to acquire information thereof in any manner deemed advisable by said council.

SEC. 13. Any license issued by the authority of the city council may be revoked by the mayor or council at any time, and upon conviction before any court of any person holding a license for the violation of any provisions of any ordinance relative to the exercise of any right granted by such license, the court may, and upon second conviction shall, revoke such license in addition to the penalty provided by law or ordinance for any such violation. No license shall be granted for a longer period than one (1) year, and any license granted for a longer period than one (1) year shall be void from the beginning.

SEC. 14. The city council may impose punishments for the breach of any ordinance, rule, by-law or regulation of the city to the extent of a fine not exceeding one hundred dollars (\$100), and imprisonment



in the city prison or county jail of St. Louis county for a period not exceeding ninety (90) days, and may provide that the offender, during such imprisonment, be fed on bread and water at the discretion of the judge of the municipal court; and offenders against city ordinances may be required to give security to keep the peace and for good behavior for a period not exceeding six (6) months and in any sum not exceeding five hundred dollars (\$500).

SEC. 15. The city council may provide that any person convicted of any offense before the municipal court, subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or, in case of a male offender, may be kept at hard labor during his term of punishment in such workhouse or upon public improvements of the city, or both, and may also provide by ordinance that any one convicted of an offense before the said municipal court and committed for non-payment of fine imposed may be kept at hard labor, either in the workhouse or upon the public improvements or otherwise, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, not exceeding the time of such commitment, and the council shall have full power to establish by ordinance all needful regulations for the security of such purpose aforesaid and under such regulations as the city council may prescribe.

## CHAPTER VI.

### FIRE DEPARTMENT.

SECTION 1. The city council shall have full power to establish a fire department, and shall have supervision of the officers and members thereof and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the city and all others present to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of such fire as shall be directed by them, or any two (2) of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale, and, after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and default of payment therefor to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in such city; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction of chimneys; to prevent bonfires and the use of fireworks and firearms in the city, or any part thereof; to authorize fire wardens, at all reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and generally to establish such measures for the protection, prevention or extinguishment of fires as may be necessary and proper.

## CHAPTER VII.

## TAXATION AND BONDS.

**SECTION 1.** All revenues of the city shall be divided into the following funds, and separate and distinct accounts shall be kept of each :

*First*—A general fund, in which all revenues of the city shall be placed except such as are directed to be placed in some other fund.

*Second*—A fire department and water works fund, in which shall be placed all taxes levied and revenues received for the maintaining of the fire department and for furnishing the city with water supply, whether such supply is obtained by contract with third parties or by the purchase, construction, maintenance and operation of water works by the city itself.

*Third*—A court and police fund, in which all revenues accruing to the city on account of fines and penalties, received for violation of any of the ordinances, regulations or by-laws of the city, all court fees of the municipal court, all officers' fees and all moneys collected by virtue of any special assessment made by the city council for said fund.

*Fourth*—An interest fund, in which shall be placed all taxes levied and revenues received for the payment of interest on the bonds and indebtedness of the city.

*Fifth*—A sinking fund, in which shall be placed all taxes levied and revenues received for that purpose.

*Sixth*—A permanent improvement fund, in which shall be placed the proceeds of all permanent improvement bonds of the city, all sums raised for improvements by special assessments upon the property benefited, and all taxes levied and revenues received for this fund.

And the common council may, from time to time, establish and provide for other funds as it may deem proper.

**SEC. 2.** The general fund may be used for any lawful city purpose, and any money may be transferred therefrom to other funds by the city council. The fire department and water works fund shall be used only for defraying the expenses of the fire department, including supplying the city with water, either by contract with other parties, or the purchase, construction, maintenance and operation of water works by the city. The court and police fund shall be used only for the payment of the salary and fees of the municipal judges of the municipal court of the city, the city attorney, the police officers and constables, and those doing police service, general court expenses, and incidentals of said court. The interest fund shall be used only for the payment of interest on the bonds and indebtedness of the city as provided by this charter. The sinking fund shall be used only for paying the bonds of the city as provided in this charter. The permanent improvement fund shall be used only for defraying the expenses of improvements as provided in this charter. Temporary loans, for a term not exceeding one (1) year, may be made by the city council from one fund to any other fund, other than the general fund, whenever there is money in any of the funds not needed for use in that fund, and it is reasonably certain that the borrowing fund will

have money in it to repay the sum borrowed before the loaning fund will need the same. Whenever the purpose for which any fund is created shall be fully provided for, and there shall still remain a surplus in such fund, such fund may be abolished and such surplus paid into such other fund as the city council may direct.

SEC. 3. The city council shall annually levy taxes on all the taxable property in the city, as follows: For the general fund such sum as it deems necessary, in addition to the other revenues of the city applicable thereto, not exceeding one (1) per cent of the assessed valuation; for the other funds such sums as it deems necessary; *Provided*, that all the taxes so assessed shall be apportioned between the respective funds as the necessity of the case may require; *And further provided*, that the aggregate amount so-assessed shall not exceed two (2) per cent of the assessed valuation of the taxable property of the city, besides the special assessments provided for, for permanent improvement, for streets, alleys of the city, as provided by this charter; *And provided further*, that the amount so assessed for the permanent improvement fund shall only be that sum that shall be sufficient to replace all expenditures made from said fund and not provided for by special assessment on the particular property benefited by such improvement or properly charged with the same.

SEC. 4. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any deformity in the manner of levying the same nor because the amount levied shall exceed the amount required to be raised for the purpose for which the same is levied.

SEC. 5. The city council shall cause to be transmitted to the county auditor of the county of St. Louis, on or before the first (1st) day of October of each year, or at such times as required by the general laws of the state, a statement of all taxes by them levied, and such taxes shall be entered and collected and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced, and the treasurer of said St. Louis county shall pay over the same to the treasurer of the city any and all taxes and moneys collected by him or received by him for said city, as provided by the general laws of this state.

SEC. 6. The city council shall constitute a board of review, and shall meet and revise, alter or equalize, the assessment roll of the assessor as they may deem just and proper. The general laws of this state shall apply to said board of review, and said board shall be governed thereby.

SEC. 7. The city council shall have power, when authorized by a majority of the legal voters present and voting at any general or special election of which due notice is given as to time, place and object of the election, to issue the bonds of the city, running not more than twenty (20) years, with coupons attached, bearing not more than eight (8) per cent interest per annum, principal and interest payable at such times and places as may be fixed by the resolutions of the council. Such bonds shall be signed by the mayor, sealed with the seal of the city and attested by the city clerk. Such bonds shall not be sold for less than par, and the proceeds from the sale of such bonds shall go and become a part of the fund for which they were designated, and for the purpose for which they were raised, and if there should not be a fund already established to credit the proceeds to, a

fund may be established for the purpose of receiving the same as provided in this act; *Provided*, that the bonded indebtedness of said city of Ely shall not at any time exceed thirty thousand dollars (\$30,000.)

SEC. 8. Every male inhabitant of said city between the ages of twenty-one(21) and fifty (50) years, excepting such as are exempt by law, who may reside within the limits of said city at any time between the first (1st) day of May and the first (1st) day of November of each year, and have not worked out or paid poll tax in any other place, shall be liable to a capitation or poll tax; and it shall be lawful for the city council at any time to levy the same, but such tax shall not in any year exceed two (2) days' work on each person liable therefor, which may be commuted by the party so taxed by the payment to the street commissioner of the sum of one dollar and fifty cents (\$1.50) per day, and the street commissioner shall expend all moneys so received on the streets, alleys and highways, under the direction of the city council. The laws of this state shall apply to warning, working, suing for and enforcing the collection of such poll tax, except as herein otherwise expressly provided. ●

## CHAPTER VIII.

### CONDEMNATION OF PRIVATE PROPERTY TO PUBLIC USE.

SECTION 1. Whenever the city council shall intend to lay out and open, change, widen or extend any highway, street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses therein, or take ground for the use or improvement of a harbor, and it shall be necessary to take private property therefor, they shall make and cause to be filed an accurate survey and plat thereof with the city clerk, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city for such use or in fee; but otherwise they shall by resolution declare their purpose to take the same, and therein describe, by metes and bounds, the location of the proposed improvements and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each distinct owner, mentioning his name, if known, or the occupant so far as known, and therein fix a day, hour and place when and where they will apply to the municipal judge of the city for a jury to condemn and appraise the same. They shall thereupon cause to be made by the city clerk a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested that the council will, at the time and place named, apply to the judge for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by any person on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving summons in the municipal court, and the return on the summons shall be conclusive evidence of the fact stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week, for three (3) successive weeks, in a newspaper pub-

lished in such city or county, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three (3) weeks, complete at least one (1) week before the time fixed therein for such application. If any persons so served with notices shall be a minor, or of unsound mind, the judge, before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate and act for such ward.

SEC. 2. At the time and place fixed for such hearing the application, accompanied by a copy of such resolution and such survey, and upon proof of service of the notice, as provided in the last section, shall be filed with the judge, who shall thereupon make a list of twenty-four (24) competent jurors, not interested; but residents of the city shall not be disqualified by reason of such residence. He shall hear and decide any challenges for cause or favor made to any one, and, if sustained, shall replace his name with the unobjectionable jurors, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the city council by its representatives on one side and the owners of the land or their agents present, or if none be present or they disagree a disinterested person appointed by the judge, on the other, shall challenge six (6) names, one at a time alternately, the city council beginning. To the twelve (12) jurors remaining the judge shall issue a venire, requiring them at an hour on the day named, not more than ten (10) nor less than three (3) days thereafter, to appear before him and be sworn and serve as a juror to view lands and appraise damages, and at the same time, shall publicly adjourn the proceedings to the time and place so named; such venire shall be served by any constable or police officer, at least one (1) day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family of suitable age and discretion. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead until twelve (12) be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and, if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

SEC. 3. Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by the party; and for such purposes such magistrate shall possess the same powers as a court in session with a jury, and, if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them, in which they shall find whether it is necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken, and if any found necessary to be taken, then a verdict or appraisement for damages, specifying therein the damages of each owner, and separately the value of the land taken from each and the damages otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefits, if any, to be enjoyed by each from such improve-

ments; and a majority of such jury may render such verdict or appraisal of damages and shall sign their names thereto. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and they shall thereupon be discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn and proceed in the same manner.

SEC. 4. Within ten (10) days after the verdict any owner whose land has been found necessary to be taken may appeal from the award of damages to him in such verdict to the district court, and the city may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him, or a part, and if a part, what part, and therewith a bond, with two (2) sufficient sureties to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and praying the magistrate for his return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisal. Upon an appeal being taken, the magistrate shall transmit to the clerk of the district court, within ten (10) days, the notice of the appeal and bond, and thereto annex a copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing is expired, file with the city clerk, annexed together all the original papers, including the verdict, with a certificate by him thereof and that no appeal has been taken from such verdict except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings. Upon filing such transcript in the district court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to trial and appeal to the supreme court. The case shall be tried by a jury, unless waived, and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise against the respondent. Upon the entry of judgment, the clerk of the district court shall transmit a certified copy thereof to the city clerk.

SEC. 5. If the verdict of the jury first called find it necessary to take such land or any part thereof, the city council may, upon return thereof to the city clerk, enact an ordinance therewith for laying out, changing, widening, or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals, or sewers, or altering, widening or straightening any water course, or for the use or improvement of a harbor, but shall not enter upon any such land therefor until the owner be paid in full of all damages, or the same be set apart for him in the hands of the treasurer and an order therefor lawfully executed to him be deposited with the city clerk to permanently remain subject to his order. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part of the same, the amount so awarded shall be set apart in the city treasury for whosoever shall be entitled thereto, and paid over to the person or persons who shall show a clear right to receive the same. At any time before causing such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for damages, the city council may discontinue all proceedings theretofore taken, and the city shall in such event be liable

for the cost only. All the cost of every such proceedings shall be paid by the city, except when it recover costs in the district court or the supreme court. Fees and costs shall be the same as in civil actions.

SEC. 6. For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in the last preceding section, the city council may, by resolution, levy and assess the whole or any part not more than one-half ( $\frac{1}{2}$ ) of such expenses as a fair tax upon such property as they shall determine is especially benefited thereby, making therein a list thereof, in which shall describe every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution signed by the mayor and the city clerk shall be published once in each week for two (2) weeks, in a newspaper printed regularly in such city, or, if there be no such newspaper, three (3) copies thereof shall be posted by the city clerk in three (3) of the most public places in such city, and a notice therewith that, at a certain time therein stated, the said council will meet at their usual place of meeting and hear all objections which may be made to such assessment, or to any part thereof. At the time so fixed, the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three (3) days, and may, by resolution, modify such assessment in whole or in part. At any time before the first (1st) day of September thereafter any party liable may pay any tax to the city treasurer. On such first (1st) day of September, if any tax remains unpaid, the city clerk shall certify a copy of such resolution to the county auditor, showing what taxes thereby levied remain unpaid; and the county auditor shall put the same upon the tax roll, in addition to and as a part of all other city taxes therein levied on said land, to be collected therewith.

## CHAPTER IX.

### STREETS, SIDEWALKS, BRIDGES AND SPECIAL ASSESSMENTS.

SECTION 1. The city council shall have care, supervision and control of all highways, bridges, streets, alleys, lanes, public parks, public squares and public highways, public grounds within the limits of the city, and shall have the power to build and keep in repair bridges and alleys, and lay out, open and alter public squares, parks, lanes, public grounds, streets, highways and alleys, and to extend, narrow, widen or straighten the same, and to purchase, hold and convey lands in fee simple, and to take grounds for the sites of public buildings and public parks, subject to the assessments of damages hereinafter provided.

SEC. 2. Said city shall constitute one road district, and the streets and all highways shall be under the exclusive care and supervision of the city council, and the powers and duties of the street commissioner shall be the same as those of road overseers under the laws of this state, except as herein otherwise provided.

SEC. 3. The city council shall have the power to establish the grade of any street when such grade has not been established, and

may, by vote of two-thirds ( $\frac{2}{3}$ ) of the members of the city council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city clerk.

SEC. 4. All work done pursuant to the provisions of this chapter calling for an expenditure of one hundred dollars (\$100) or more, shall be done under contract. A public notice shall be given and proposals invited for doing the same in such manner as the council shall direct, and the said notice may give notice also that a bond or certified check may accompany each proposal, as a guaranty of good faith and as a forfeit if the contract shall be awarded to any one of those making such proposals that they will enter into a contract to do such work proposed to be done as per specifications within a certain time which the council may designate, or that said person so awarded the contract shall forfeit the same to the city.

SEC. 5. The expense of filling, grading, planking and macadamizing streets, highways and alleys, and of constructing and repairing sewers, gutters and ditches, shall be chargeable to the lots or parcels of land abutting upon such streets, highways, alleys, sewers, gutters and ditches, in proportion to the frontage without regard to the value of the land; *Provided*, that the city council may, in its discretion, where such lots to be charged are corner lots and are adjacent to the avenues and streets and where the frontage exceeds twenty-five (25) feet along such avenue or street, apportion the amount specially assessed for any such improvement (chargeable under this act and section) to said corner lot and the lots adjacent to the middle of the block upon which they are located, said apportionment to be made so that the corner lot or the lot abutting the street or avenue improved, or along which the improvement is located, to pay not less than thirty-five (35) per cent of the total amount so levied, and the balance to be divided between the remaining lots liable to assessment, as aforesaid, as they may deem just and equitable.

SEC. 6. Whenever a petition of the owners of more than one-half ( $\frac{1}{2}$ ) of the land abutting on any street, highway or alley, or any part thereof, or the owners of more than one-half ( $\frac{1}{2}$ ) of the land abutting any street, highway or alley, or any part thereof, in or under which it is to construct or repair any sewer, gutter or ditch, shall be presented to the city council, requesting that they shall fill, macadamize any street, highway, alley, or any part thereof, or construct or repair such sewer, gutter or ditch, at the next meeting thereafter, or as soon as may be, such council shall pass a resolution ordering that such street, highway, alley, sewer, gutter or ditch shall be filled, graded, planked, paved, macadamized, constructed or repaired, as requested in said petition, and shall file such petition and said order in the office of the city clerk. Both said petition and said order shall be recorded in the records of the city. The city shall thereupon cause plans and specifications of the work to be done to be made and filed in the office of the city clerk for the use of all persons interested, and thereupon the city clerk shall give public notice in the official paper of the city that, at a time stated, the city council will meet at its usual place of meeting and will receive sealed proposals for the performance of such work. Such sealed bids shall be left with the city clerk. At the time stated in the notice the city clerk, in the presence of the city council, shall open the same for the consideration



of the city council; but the council shall have the right to reject any or all bids. In case a bid is accepted the city council shall enter into a contract in writing with the person or persons whose bid is so accepted for the performance of such work and contract. The city council shall as soon thereafter as may be, by resolution, levy a special tax or assessment, sufficient to cover the contract price of the work, upon all the land abutting upon the work to be done, and upon each piece or parcel thereof, in proportion to the frontage, excepting only to the provisions made to the said assessment in such cases, as set forth in section five (5) of this chapter in regard to apportionment on corner lots adjacent to improvements to be made, and as provided therein. The city clerk shall thereupon cause a notice to be published in the official paper of the city. Such notice shall state the fact of the levy of such special tax or assessment, the amount levied upon each lot or parcel of land, and the names of the owners, if known. The notice shall be published three (3) weeks, and shall further state that the persons liable to such tax or assessment may pay the same at any time within six (6) weeks from the date of said notice to the city treasurer. At the time of publishing such notice the city clerk shall deliver the assessment roll to the city treasurer. At the end of six (6) weeks the treasurer shall return the assessment roll to the city clerk, showing what taxes have been paid and what remain unpaid. The city clerk shall, before the first (1st) day of October following, or at such time as may be required by the laws of this state, certify to the county auditor the description of the lots or parcels of land upon which such special tax has not been paid, the amount of tax due on each, and the names of the respective owners, so far as known. The city clerk shall add a penalty of ten (10) per cent on all such taxes so certified to the county auditor. Such taxes so certified shall be entered and collected in the same manner that state and county taxes are collected, and, when collected, shall be paid over to the city treasurer.

SEC. 7. The city council may, on its own motion and without the aforesaid petition, by an affirmative vote of a majority of all the members elected, order that any street, highway or alley, or any part thereof, shall be filled, graded, paved, macadamized or otherwise improved, or that any sewer, gutter or ditch shall be built or repaired without petition. When any such order has been made by the city council, all subsequent proceedings in the matter shall be the same as in cases where a petition of the owners of more than one-half ( $\frac{1}{2}$ ) of the abutting property is presented to the council.

SEC. 8. The city council may by resolution cause sidewalks to be constructed, repaired or relaid, whenever they deem the public good may require it. Whenever the council shall order the construction, repairing or relaying of any sidewalk, they shall cause to be made accurate plans and specifications and filed in the office of the city clerk for the use of all persons interested, and shall cause to be published in the official paper of the city, if there is one, and, if not, then in any newspaper in the county, notice to the owners or occupants of any lot or parcel of land adjoining such proposed sidewalk, to construct, repair or relay so much thereof as adjoins their several lots or parcels of land, according to such plans and specifications, at his or their own proper expense and charges, within a certain time designated in such notice, not less than twenty (20) days from the first (1st)

SEC. 7. A copy of the record of any ordinance passed, certified by the city clerk and attested by the seal of the city, and any copy thereof published as aforesaid, or compilations of the ordinances made and published under the direction of the city council, shall be *prima facie* evidence of the contents of such ordinance and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions, prosecutions and proceedings of every kind before the municipal court of said city it shall not be necessary to plead or prove such ordinance in said court.

SEC. 8. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which shall be by ayes and noes and entered among the proceedings of the council.

SEC. 9. The power conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 10. The city council shall examine, audit and adjust the accounts of the treasurer and all other officers of the city at such times as they deem proper, and also at the end of the year, and before their term of office shall expire, and if any officer shall refuse to exhibit his books of account and vouchers, for examination and settlement, or refuse to comply with the orders of the city council in the discharge of his duties in pursuance of this section, the city council shall declare his office vacant, and the council shall order suits and proceedings at law against any officer or agent of the city who may be delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

SEC. 11. The city council shall have the management and control of the finances and all the property of the city, both real and personal, and may provide for the sale of any city property, in such manner as it shall consider for the best interests of the city.

SEC. 12. The city council shall have power to acquire by purchase, grant or condemnation such private property as may be necessary for sites for public buildings for the use of the city or any department thereof, and for all streets, alleys, parks, public squares, public grounds in said city, and to ascertain and determine the value of such private property taken for such uses, and the amount of damages occasioned to any property by reason of any public works or structures, and for that purpose may appoint juries or committees or appraisers to appraise such values and damages, or to acquire information thereof in any manner deemed advisable by said council.

SEC. 13. Any license issued by the authority of the city council may be revoked by the mayor or council at any time, and upon conviction before any court of any person holding a license for the violation of any provisions of any ordinance relative to the exercise of any right granted by such license, the court may, and upon second conviction shall, revoke such license in addition to the penalty provided by law or ordinance for any such violation. No license shall be granted for a longer period than one (1) year, and any license granted for a longer period than one (1) year shall be void from the beginning.

SEC. 14. The city council may impose punishments for the breach of any ordinance, rule, by law or regulation of the city to the extent of a fine not exceeding one hundred dollars (\$100), and imprisonment

SEC. 2. All recognizances and all other instruments entered into or executed to the village of Ely before this act goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the said village of Ely, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this act going into operation.

SEC. 3. All ordinances purporting to be in force in the village of Ely at the time this act goes into effect and not inconsistent herewith shall remain in full force and effect until altered or repealed by the city council of the city of Ely, and all rights, actions, prosecution and all contracts of the village of Ely shall continue the same as if this act had not been passed.

SEC. 4. This act is hereby declared to be a public act, and may be read in evidence in all courts within this state without proof.

SEC. 5. All papers, files, plats and other public records to be kept, preserved and filed, unless otherwise provided for in this act, shall be filed and preserved in the office of the city clerk.

SEC. 6. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be clearly set forth in such law.

SEC. 7. When any suit or action shall be commenced against said city, service of process therein shall be made by leaving a copy thereof, by the proper officer, with the mayor or city clerk, and it shall be the duty of the mayor or city clerk forthwith to inform the city council thereof, and to take such other proceedings as by the ordinances or resolutions of the city council may have been in such case provided.

SEC. 8. No account or demand against the city shall be audited, allowed or paid until such account or demand shall be made out in items, and verified by affidavit indorsed or annexed that the same is just and correct and no part thereof has been paid.

SEC. 9. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 10. The city of Ely shall not be liable in any case for the jail fees of any person committed to the common jail of St. Louis county by any officer of the city or a magistrate of said city for offenses punishable under the general laws of this state.

SEC. 11. The public property of said city shall be exempt from seizure or a sale on execution and from taxation.

SEC. 12. No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 13. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

## CHAPTER 50.

[S. F. No. 628.]

AN ACT TO AMEND "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF STILLWATER," APPROVED MARCH 7, 1881, AND THE ACTS AMENDATORY THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section six (6), chapter ten (10) of an act to amend and consolidate the charter of the city of Stillwater, approved March seven (7), eighteen hundred and eighty-one (1881), as subsequently amended, is hereby amended so as to read as follows, viz.:

Sec. 6. Whenever the city council shall vote to lay out, grade or open any new street or alley, or to straighten, widen, grade or extend any now or that may hereafter exist, or to do any work, or make any improvements upon any street which shall not have been previously graded, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property, so far as the engineer can readily ascertain the same, and such statement as may, in the opinion of the engineer, be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, which shall be exclusive of the cost of condemning private property, and the city council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement when the assessment made for defraying the expense of such work or improvement is ordered prior to the doing of such work or making such improvement. When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvements actually agreed upon and ordered by the city council; said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to or affected by such improvement. The city council shall then, or afterwards, appoint three (3) freeholders of said city, no two (2) of whom shall reside in the same ward, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel, without regard to cash valuation. Two (2) or more of such commissioners shall constitute a quorum, and may organize said board and shall be

competent to perform any duty required of such commissioners, and they shall be notified of their appointment and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way, as is provided in the case of commissioners appointed under section three (3) of this chapter. They shall give notice, by two (2) publications in the official paper of said city, that such survey and plat is on file in the office of the city clerk for the examination of all persons interested, and that they will, on a day designated in such notice, which shall be at least ten (10) days after the first (1st) publication of such notice, meet at a place designated in said notice, on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purpose of such improvements, and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits the amount necessary to pay such compensation and damages and the cost of making the improvement; and they will then and there hear such allegations and proofs as interested persons may offer, and such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time; and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer, and of any other officer of the city. After viewing the premises and hearing the evidence offered, such commissioners shall determine the compensation due to owners of property taken or injured for such improvement, and at the same time determine what real property will be benefited by such improvement, and assess the sums so allowed to owners as compensation for property taken or injured, together with the cost of the improvement, on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel thereof. In no case, however, shall any such assessment exceed the special benefits of the property assessed.

In making such award of compensation, said commissioners shall, where the whole of an entire tract or parcel of land or other property is not taken, deduct from the amount of the value of the property taken and the damages to the parcel not taken, the benefits, if any, that may specially accrue to the parcel not taken by reason of the improvement to be effected by the condemnation, and the excess of such value and damages above such benefits shall be the amount of compensation to be awarded the owner or owners thereof, and such compensation shall be separately reported by said commissioners as sums due such owners, and be paid said owners in money as hereinafter provided; such compensation shall draw interest from the date of the confirmation of the report of said commissioners, from which date also shall the condemnation be deemed in law to be fully consummated. If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken,

shall also be determined by the said commissioners, and notice of such determination shall be given by them to the owner, when known, if a resident of the city, or left at his usual place of residence or abode. If the owner is not known, or is a non-resident, ten (10) days' notice by one (1) publication to all persons interested shall be given in the official paper of the city. Such owner may, at any time within ten (10) days after such notice, notify the commissioners, in writing, his election to take such building, or part of building, at their appraisal; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building, where they belong to different owners; and the owner shall have such time for the removal of such building after the confirmation of the assessment as the city council may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the city council shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving ten (10) days' public notice of the sale, by one (1) publication in the official paper of the city, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of the said improvement fund. If the lands and buildings belong to different persons, or if the land be subject to lease, the damages done to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the improvement. Within sixty (60) days after they shall have qualified, as provided by this chapter, said commissioners shall prepare and report to the city council their award of compensation to owners of property taken or injured, and likewise a list of their assessment of property benefited by such improvement, which list shall set forth, among other things, the entire amount of the compensation awarded to property owners, the cost of the proceedings, that portion thereof which they do not assess on property benefited, and a separate statement of the amount assessed as benefits to each tract or parcel of property assessed, the name or names of the owners, so far as known, which benefits so assessed shall be confined to such benefits as any given parcel of land shall specially enjoy by reason of the improvement in excess of the damage or injury it may sustain by reason of such improvement not credited to the owner of said property in their condemnation report. Said commissioners shall, at least five (5) days before presenting their said report to said city council, cause a notice to be printed in the official paper of the city stating when such report will be presented to said city council, and shall likewise give notice by postal card through the mail addressed to every owner whose name appears on their said lists, and whose residence is known, of the time of making their report to the city council, the amount of compensation awarded said owner for property taken and the amount assessed on property in which he is supposed to have an interest, and said commissioners shall certify in their report to the publication and mailing of said notices; *Provided*, that a failure to give the aforesaid

postal card notice shall not affect the validity of the proceedings or the jurisdiction of the council to act on the report. Such report shall, after its presentation to the city council, lie over until the next regular meeting of the council, which shall occur at least one (1) week after the reception thereof, at which time, or at any meeting, the city council may act upon such report, and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaint and report thereon. The council may confirm such award or assessment, or either, or annul the same, or send the same back to the same commissioners for further consideration; and the commissioners may, in such case, again, upon giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which time and place shall be at least two (2) weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistake in such award and assessment, and alter and revise the same as they shall deem just; and again report the same to the city council within sixty (60) days after the same shall have been so sent back to them, and the city council may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the city council shall proceed at the same or subsequent meeting to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The city council of the city of Stillwater, doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost and improvement in and about the.....  
 ....., as shown in the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels, and not exceeding the benefits to the parcels so assessed.

NAME OF OWNER, IF KNOWN.	DESCRIPTION OF LAND.	LOT.	BLOCK.	AMOUNT.	
				Dollars.	Cents.

Done at a meeting of city council, this.....day of  
 ....., A. D. 189...

Attest:

.....  
*President of Council.*

.....  
*City Clerk.*

SEC. 2. There shall be added to said chapter ten (10) of said act new sections, to be numbered and read as follows, viz.:

Sec. 6a. When such assessment shall have been confirmed and no appeal shall have been taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The city council shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose, or other funds are available therefor; but the claimant shall, in all cases, furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any person should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city of Stillwater, in fee simple; *Provided, however*, that whenever it may be necessary to condemn any land for the opening, extension or the widening of any street over which any stream of water runs, and which the owner thereof may desire to utilize as a water power, the common council, upon being advised of such fact, may order the taking and the condemnation of the necessary land for such street, with the reservation that the owner of such land shall have the right to construct flumes or mill races across, through or under said street, and construct dams above and below said street and flow said land; *Provided further*, said flumes, races, dams or flowing shall be so constructed and used as not to obstruct public travel on said street. It shall be the duty of the city clerk to cause all deeds taken by the city for land acquired by condemnation to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given, it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired. And it shall be the duty of the register of deeds of the county of Washington to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

Sec. 6b. As soon as the money is collected and ready in the hands of the treasurer to be paid to the parties entitled to damages for property condemned, seven (7) days' notice thereof by one (1) publication shall be given by the city treasurer in the official paper of the city, and the city may then, and not before, except as hereinafter provided, enter upon, take possession of and appropriate the property condemned; and whenever the damages awarded to the owner of any property condemned by the city for public use shall have been paid



to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer ready to be paid over to such owners, and said seven (7) days' notice thereof shall have been given in the official paper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned. *Provided*, that the city shall not be hindered, delayed or prevented by the prosecution of an appeal by any person, as herein provided for, from entering upon and appropriating such property to the use for which the same was condemned, if the city shall, after such an appeal has been taken, by its mayor, execute and file with the clerk of the district court of Washington county, a bond to be approved by said clerk, payable to the appellant, conditioned that the city shall, in case the assessments against the property appealed from be annulled and set aside by said court, pay whatever sum shall finally be awarded as damages for such property so condemned and appropriated. This provision shall apply as well to all proceedings for condemnation now pending, in whatever stage such proceedings may now be, as to those hereafter to be initiated. The mayor of the city is hereby authorized and empowered to execute the bond herein provided.

Sec. 6c. When the whole of any lot or parcel of land or other premises, under lease or other contract, shall be taken for the purpose aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

Sec. 6d. Where part only of any lot or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged, as to the part thereof taken; but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

Sec. 29. When any special assessment shall have been confirmed, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the seal of said city and signed by the mayor and clerk, and shall contain a printed or written copy of the assessment roll as confirmed, as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal, said appeal shall not delay or affect the collection of the assessment under such warrant, except as to the property of such appellant appropriated as aforesaid. And in case such appeal shall be sustained, and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the city council shall make a new assessment as to the property of such appellant last mentioned, proceeding *de novo* as to the same, so far as may be necessary; and in case the amount of damages or recompense which said commissioners may award such appellant upon such new assessment shall exceed the first, the city council shall make a new assessment upon the property to be benefited to pay the difference which may have been awarded appellant together with the costs and expenses of such new assessment.

Sec. 30. All warrants issued for the collection of special assessments shall be delivered by the clerk to the city treasurer within fifteen (15) days thereafter, taking his receipt therefor.

Sec. 31. Upon the receipt of any warrant for the collection of any special assessment, the city treasurer shall forthwith give notice, by two (2) publications in the official paper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof, the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

Sec. 32. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof.

Sec. 33. If the assessments charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land or for any other improvements whatsoever under the provisions of this chapter, shall not be paid within thirty (30) days after the publication of notice by the city treasurer that he has received such warrant for collection, except in case it is on a collection warrant issued on or by reason of a reassessment or a new assessment, in which latter case, the notice that such warrant is in the treasurer's hands shall require payments to be made within ten (10) days after the publication, the assessment then remaining unpaid shall be collected with interest at the rate of ten (10) per cent per annum thereafter until the same shall be paid.

Sec. 34. It shall be the duty of the city treasurer, immediately after the expiration of the thirty (30) days, or after ten (10) days on a reassessment or new assessment warrant mentioned in the preceding section, to report to the district court of Washington county, at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants, for the amounts of assessments, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice, by two publications in the official paper of said city, of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made and a description of the property against which judgment is desired, and require all persons interested to attend at said term.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested or their agents resident in the city of Stillwater, if known to the said treasurer and found; but the failure to give such personal notice shall in no wise affect the validity of the judgment applied for or of any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

Sec. 35. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with an affidavit of the due publication thereof, from the printer or pub-

lisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term with said reports.

Sec. 36. The clerk of said court, upon the filing of such reports of the city treasurer, shall receive and preserve the same, and shall annex thereto or file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate proceeding or suit and shall be docketed by the clerk of said court in a suitable record book, to be kept by him for that purpose, substantially in the following form, to-wit: "City of Stillwater vs.....certain lots of land.....suit for assessment on warrant for.....," or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is made, in which said record book the judgment when rendered shall also be docketed; *Provided, however*, that the court may, by rule or otherwise, direct how and in what form such proceedings and judgments may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed and how kept and preserved.

Sec. 37. It shall be the duty of the court upon the filing of said reports to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objection shall be filed for the amount of the assessment, interest, damages and costs due severally thereon. The owner of any property described in said reports or any person beneficially interested therein, who shall feel aggrieved by such assessment, shall file in said court his objections, in writing, to the recovery of judgment against such property, and shall serve a copy thereof upon the city attorney, at least five (5) days prior to the time designated in the city treasurer's notice that he will apply for judgment as provided for in section thirty-four (34) of this chapter. No objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except that the city council had no authority to order the said improvement, and no objection as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion in any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistent with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases. Upon the trial in the district court of an appeal from any assessment charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land or for any other improvement whatsoever under the provisions of this chapter, the court shall give to the official act of said commissioners in making the assessment, the same weight at least as evidence as it would and should give to the testimony of an equal number of disinterested and specially qualified expert witnesses upon all questions considered and determined by said commissioners in making their assessment.

Sec. 38. In all cases where judgment shall be rendered in default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make a defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages, interest and costs due and unpaid thereon;

Therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the city of Stillwater for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon, and it is ordered by the court that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs, annexed to them severally, be sold as the law directs.

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made and entered of record. Thirty-five (35) cents costs shall be laid to each lot or parcel against which judgment is rendered, and the further sum of one (1) dollar to each lot or parcel for advertising the notice of sale; *Provided*, that in all cases where a defense is interposed and not sustained, the court may direct, by special order or rule, such additional costs to be included in the judgment as may be deemed proper.

Sec. 39. It shall be the duty of the clerk of such court, within twenty (20) days after such order is granted as aforesaid, to make out under the seal of said court a copy of so much of said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon, which shall constitute the process on which all lands, lots, pieces and parcels of land shall be sold for the amount of any assessments, interest, damages and costs so levied, assessed or charged upon them; and the said city treasurer is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten (10) days' notice, by two (2) publications in the official paper of said city.

Sec. 40. The said advertisement so to be published in each case of a judgment upon any collection warrant and report as aforesaid shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of judgment rendered thereon, respectively, and the warrants upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale, at a time and place to be named in said advertisement, by said city treasurer. The omission of the name of any owner, or any mistake respecting the sale, shall not invalidate the sale if the property be otherwise described with sufficient certainty.

Sec. 41. In all proceedings and advertisements for the collection of such assessments and the sale of lands therefor, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Sec. 42. Certificates of sale shall be made and subscribed by the city treasurer, under the seal of the city of Stillwater, duly acknowledged before a notary public and signed by two (2) witnesses, which shall be delivered to the purchaser, and which certificates of sale shall contain the name of the purchaser, a description of the premises sold, the amount of the judgment for which the same was sold, adding interest at the rate of ten (10) per cent per annum from the day when judgment was rendered to the day of sale, and fifty (50) cents cost on each description, for such other expenses as may be incurred by the city in selling the property; which judgment, interest and costs shall constitute the total amount for which the property shall be sold, which amount shall also appear in the certificate and the time when the right to redeem shall expire. Said certificates shall bear interest at the rate of ten (10) per cent per annum until paid.

Said certificates shall state upon their face, in addition to what is now required by law, that "This certificate may be redeemed in five (5) annual installments, which shall become due and payable as follows: One-fifth of said certificate at the end of each one (1) of the successive five (5) years next ensuing the date of this certificate, together with the interest due on the whole amount thereof unpaid at the maturity of each of said installments; *Provided*, that said certificate may be redeemed at any time before maturity upon the payment of thirty (30) days' interest in addition to the interest which has already accrued;" *Provided, however*, that property belonging to minors or to a lunatic, upon which city deeds have been or may be issued, can be redeemed while such disability continues by the guardian of such person filing with the city treasurer a certified copy of his appointment by the probate court as guardian of such person, together with an affidavit showing the facts of said inability, whereupon the treasurer shall deliver to him a certificate of redemption upon the payment of the proper sum; which certificate of redemption, together with a copy of the appointment as guardian and affidavit aforesaid, shall be recorded in the office of register of deeds and shall be deemed sufficient to remove the cloud from such title by reason of such a city deed.

Sec. 43. The person purchasing any lot or parcel of land shall forthwith pay to the treasurer the amount of the judgment due thereon, and on failure to do so the said property shall be again offered for sale in the same manner as if no such sale had been made, and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any lot or parcel of land the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Sec. 44. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court, the interest, costs and expenses to be charged against each lot or description as provided by law, the amount of sale, to whom sold, or if struck off to the city, to whom transferred afterwards, with the amount of transfer, and attach thereto a copy of the advertisement pertaining to the sale. The city treasurer shall keep this record on file in his office. Certified copies thereof may be furnished when desired.

Sec. 45. If at any sale any piece or parcel of land shall be sold to a purchaser or the piece or parcel struck off to the city, the same may be redeemed at any time within five (5) years from the date of the sale by any person having any interest therein, upon the payment of ten (10) per cent per annum in lawful money of the United States, of the amount for which the same was sold, with interest from the time of such sale at the rate of ten (10) per cent per annum, in accordance with the provisions of section forty-two (42) of this act, and upon the terms and conditions as to installments therein provided, and any other assessment which may be made under or by virtue of this chapter, or the charter of the city of Stillwater, subsequent to the sale, with the interest accruing thereon, at the rate and payable in accordance with the provisions of section thirty-three (33). If the real estate of any lunatic or infant be sold under this chapter, the same may be redeemed at any time within one (1) year after such disability shall be removed. Redemption shall be made by the payment of the redemption money to the city treasurer, and upon such payment the city treasurer shall execute to said redemptioner a certificate of satisfaction of said assessment, judgment and lien. Upon the return of the certificate of sale, or upon proof of its loss and the filing with the city treasurer of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns, under the corporate seal of said city, signed by the mayor and clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid.

The city treasurer shall, at least three (3) months before the expiration of the time for redeeming any lot or parcel of land aforesaid, cause to be published in the official paper of said city once a week for six (6) successive weeks, a list of all unredeemed lots or parcels of land, specifying each tract or parcel, the name of the person to whom assessed, if to any, the amount of the assessment, charges and interest, calculated to the last day of redemption, due on each lot or parcel, together with notice that unless such lots or parcels of land be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser; *Provided, however,* that before the holder of such certificate shall be entitled to a deed for said property he shall pay into the city treasurer the cost of such notice of the expiration of the time of redemption. A memorandum of all the deeds made and delivered shall be entered by the treasurer in the book wherein such sales are recorded, and a fee of one (1) dollar may be charged by the treasurer for every deed so issued; *Provided,* that nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been or may be levied upon such property under the general laws of the state. In cases of redemption, the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate with the interest thereon so paid is in the city treasury subject to his disposal.

Sec. 46. Such certificate of purchase shall be assignable by indorsement and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

Sec. 47. Whenever it shall appear to the satisfaction of the treasurer, before the execution of a deed for any property sold for assessments that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the ap-

proval of the common council of said city, make an entry opposite to such property on his record of sales that the same was sold in error, and such entry shall be *prima facie* evidence of the fact therein stated; *Provided*, that where the sale shall have been made to any purchaser other than the city, the common council of said city before approving of such entry shall first cause notice to be given, by mail or in such manner as said council may direct, to the purchaser, his heirs, assigns or legal representatives, of the said proceeding; *Provided further*, that in case such entry is approved the purchase money shall be refunded to the parties entitled thereto with interest.

Sec. 48. All deeds made to purchasers of lots and parcels of land sold for assessments, or the record thereof, shall in all cases be *prima facie* evidence that all requirements of the law with respect to the sale have been duly complied with and of title in the grantee therein, after the time for redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall prove, either that the court rendering the judgment pursuant to which the sale was made had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been satisfied, or that notice of sale as required by this act was not given, or that the piece or parcel of land was not offered at sale to the bidder who would pay the amount for which the piece or parcel was to be sold. Now unless the action in which the validity of the sale shall be called in question be brought, or the defense alleging its invalidity be interposed within three (3) years after the date of the sale, and if any sale shall be set aside by reason of any defect in the proceedings subsequent to the entry of the judgment, the court so setting aside the sale shall have power in such case to order a new sale to be made as near as may be in accordance with the provisions of this act. That in any action heretofore or hereafter commenced, in which the validity of a deed under this act is brought into question, and on account of any irregularities the same shall be set aside, the party holding such deeds shall recover from the adverse party the amount paid for such deed to the city, with interest thereon from date of sale at the rate of ten (10) per cent per annum. All deeds referred to in this chapter shall be admitted to record without payment of taxes, and without the county auditor's certificate that the taxes have been paid.

Sec. 49. Any change made in the incumbent of the office of the city treasurer during the pendency of any such proceedings shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office the proceedings shall be prosecuted by the city clerk until such vacancy is filled by election or otherwise.

Sec. 50. All sales of property for the non-payment of assessments, provided for in this chapter, shall be made in the daytime at public vendue, in the city of Stillwater, at the time and place stated in the notice of sale prescribed in sections thirty-nine (39) and forty (40) of this chapter, and may be adjourned from day to day (Sunday excepted) until the whole is completed.

Sec. 51. Any city treasurer, or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him

by this chapter, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city individually and upon his official bond for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action in any court having jurisdiction of the amount thereof.

Sec. 52. No error or omission which may have heretofore been or may hereafter be made in the order, or in the proceedings of the city council, or commissioners, or of any of the officers of said city, in referring, reporting upon, ordering or otherwise acting concerning any local improvement provided for in this chapter, or in making any assessment therefor, or in levying and collecting such assessment, not affecting the substantial justice of the assessment itself, shall vitiate or in any way affect such assessment. The reports of the city treasurer and assessment warrants held by him referred to in section thirty-four (34) of this chapter, shall be *prima facie* evidence that the proceedings up to the date of such warrants were valid and regular, and the certificates of sale issued as provided for in this chapter shall be *prima facie* evidence of the validity and regularity of all proceedings up to the date of such certificates.

Sec. 53. No purchaser of lands or lots or other property sold for assessments, or his heirs or assigns, shall be entitled to a deed until he or they shall have paid all assessments made thereon prior or subsequent to the assessments under which such purchase was made. The amount of all such prior or subsequent assessments so paid by any such purchaser, his heirs or assigns, and all moneys paid by such purchaser, his heirs or assigns, to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof, with interest at ten (10) per cent per annum from the time of such payment or redemption, shall be refunded to such purchaser, or be paid to the treasurer of said city for the use of such purchaser, his heirs or assigns, by the owner or person entitled to redeem, before any redemption shall be made, except as provided in the section next following.

Sec. 54. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate and take possession thereof, and by its treasurer sell and deliver the possession thereof, and assign the certificates of sale issued to the city for the amount required to redeem from the sale to the city, and upon the expiration of the redemption hereinbefore provided, a deed for the property so sold shall be executed in the same manner and by the same officers as provided in section forty-five (45) aforesaid; *Provided, however,* that if any lot or parcel of land so struck off to said city shall be again sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser, except said city, for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment, with interest aforesaid at the rate of ten (10) per cent per annum.

Sec. 55. For the additional duties imposed upon any officer of the city by the provisions of this act, they shall be paid such compensation as the city council shall determine, in addition to their salaries as fixed by the charter.



Sec. 56. All judgments rendered under this chapter upon said assessments shall bear interest at the rate of ten (10) per cent per annum from the date thereof until paid.

Sec. 57. The city treasurer of said city may, at any time before or after the time of redemption has expired, assign any certificate of sale of property so bid in by the city as aforesaid to any person by indorsement thereon, after payment by such person into the city treasurer of the amount at which the same was so bid in, together with the amount of any prior assessment, with interest thereon at the rate of ten (10) per cent per annum and costs, and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and shall be entitled to a deed as in other cases; *Provided*, that after the expiration of the time of redemption of any certificate of sale of property, if the same shall remain unredeemed, the mayor, finance committee and city clerk, or a majority thereof, may authorize the city treasurer to sell, assign and transfer the interest of the city in and to any such certificate, for such sum or price as to them may appear for the best interest of the city.

Sec. 58. In all cases where application shall hereafter be made for judgment or judgments, and judgment shall be refused or denied by the court, or the assessment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of the aforesaid acts, for any cause whatever, shall be hereafter set aside or declared void by any court, the city council shall, upon notice thereof by the city treasurer, proceed without unnecessary delay to reappoint commissioners, as required in an original proceeding, with power to make a new assessment upon all lots, blocks and parcels of land which have been or will be benefited by such improvement, to the extent of their proportionate part of the cost and expenses thereof, as near as the same can be ascertained, and such reassessment or new assessment shall be made by the commissioners, as near as may be in accordance with the law in force at the time such reassessment is made; and when the same shall have been made and confirmed by said council, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act. The fact that the contract has been let, or that such improvement shall have been in whole or in part completed, shall not prevent such new assessment from being made.

And in all cases where judgment shall be hereafter refused or denied by any court, or where any court hereafter shall set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed, from time to time, until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvements, as near as may be to the benefits derived or to be derived from such improvement. In case the amount of such reassessment shall be less than the first assessment upon the lots and parcels of land reassessed, the deficit shall be paid out of the current revenue fund.

Sec. 59. If in any case the first assessment to pay for any local improvement which has heretofore been or shall hereafter be ordered by the city council, either before or after such improvement is completed, shall prove insufficient to fully pay for the same, whether said work was done before the passage of this act or otherwise, the city council may appoint commissioners as in other cases who shall

proceed as in other cases without unnecessary delay to assess and reassess the same upon the property benefited or which will be benefited until a sufficient amount is realized to pay for the same. If too large an amount shall at any time be raised the excess shall be refunded ratably to those by whom it was paid, if the council shall so order, it being the true intent and meaning of this act to assess and reassess upon the real estate benefited, to the extent of such benefits, for any deficiency over and above the first assessment which said improvement may cost, whether the said improvement has heretofore been made or may hereafter be made, and no error or omission or irregularity, whether jurisdictional or otherwise, shall prevent a reassessment to the extent of the benefits conferred by such improvement.

Sec. 60. In all cases where the treasurer shall be unable to enforce the collections of any special assessment, by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the said council shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which, by reason of such irregularity or omission, remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this chapter for the enforcement and collection of special assessments after the same shall have been confirmed, as in this chapter provided; and as often as any failure shall occur, by reason of such irregularities or omissions, a new warrant may issue and new proceedings be had in like manner until such special assessments shall be fully collected as to each and every tract and parcel of land charged therewith.

Sec. 61. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended before final completion, by the failure of the contractor to perform the same or for any other cause, the city council may relet the unfinished portion of such work, in the same manner, as near as may be, as provided for the letting of contracts for public improvements, and in every case of such new contract, the work shall be paid for in the same manner as contracts for other like improvements.

Sec. 62. It shall be deemed personal notice in all cases under the provisions of this chapter where personal notice is required, when the notice is served by delivering a copy, or by reading the same to the person to be notified, or by leaving a copy at his or her last usual place of abode or at his or her place of business, with some person of suitable age and discretion, or by leaving such copy in a conspicuous place at his or her place of business in the daytime, if such person is absent therefrom.

Sec. 63. If the commissioners or the city council, in carrying out the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of improving or opening or widening streets, levees, alleys or public highways or sewers, not provided for, the common council may, by resolution, order such change or modification in such improvement to meet such unforeseen obstacles as the said council may deem equitable and just, or on their own motion, either before or after the confirmation of any assessment or before or after the letting or making of any contract to do the same, or at any time while the work is in progress, by a two-thirds ( $\frac{2}{3}$ ) vote

of the city council elect, and any additional expense occasioned by such change or modification of the improvement may be included in the original assessment, or raised by an additional assessment upon the property benefited by such improvement, to the extent of such benefits;

*Provided, however,* that no such work shall be done until ordered by the city council by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect;

*Provided further,* that in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible by the city council causing a schedule to be made, classifying the various kinds of work and material, and fixing the price to be paid by the city for such work or material as may become necessary, but cannot be foreseen; which said schedule shall be approved by the city engineer, and a copy thereof shall be signed by the bidder and attached to his bid, and the same shall be attached to and made a part of the contract; but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacles. The said city council shall have power to correct any error, omission or mistake in an assessment, either before or after the confirmation, up to the time judgment may be obtained thereon, either as to the amount or owner or description, so as to conform to the facts and rights of the case as intended; and if, by reason of such error, omission or mistake, the assessment shall be reduced below the amount of money required to pay the costs and expenses of said improvement, the city council shall cause to be made a new assessment upon the property benefited to make up the deficiency, together with the cost and expenses of such new assessment;

*Provided further,* that five (5) days' notice of the time and place of making such correction shall be given, by one (1) publication in the official newspaper of the city, unless the owner of the real estate affected be present or consents thereto. Said correction shall be entered of record, and a copy thereof filed with the city treasurer;

*Provided further,* that if the expense required to overcome such unforeseen obstacles will materially increase the cost which would be incurred in the work if such unforeseen obstacles had not occurred, then the city council shall have power, by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect, to rescind the contract so far as the uncompleted part of the work is concerned, and may, in their discretion, by a two thirds ( $\frac{2}{3}$ ) vote of the members elect, after such rescission, order the work to be relet as other work is let under this chapter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to the contract price as nearly as the same can be ascertained, and no more.

Sec. 64. When any notice is required to be published in any newspaper under this chapter, an affidavit of the publisher or printer of such newspaper, or of the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice taken from the paper in which it was published, and specifying the time when and the paper in which such notice was published, shall be evidence in all cases and in every court of judicial proceeding of the facts contained in such affidavit.

Sec. 65. If for any cause the proceedings of the city council, commissioners or any officer may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assess-

ment from time to time and as often as need be until a sufficient sum is realized from the real estate benefited by such improvement to pay all the costs, damages and expenses incurred thereby; it being the true intent and meaning of this act, to make the costs and expenses of all public improvements provided for in this chapter, local to the city of Stillwater, payable by the real estate benefited by such improvement, to the extent of such benefits; except that in the case of sidewalks the assessment shall be made as in such case provided.

Sec. 66. After judgment shall be ordered to be entered against any lot or real estate, for the non-payment of assessments, the same shall not be opened or set aside except for mistake in entering the same, or in ordering the same to be entered, any provision of the general laws of the state to the contrary notwithstanding.

Sec. 67. The register of deeds shall not record any deed from a private person or private corporation unless there be indorsed on such deed a certificate of the city treasurer that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds shall be a misdemeanor, and be punished by a fine not exceeding double the amount of the unpaid assessment. It shall be the duty of the city treasurer, upon the application of any person interested in such deed, where the assessment has been paid and not otherwise, to make such certificate free of charge; but the said city treasurer shall not certify that said assessment has been paid in any case where the property has been purchased by the said city at the sale provided for in this act and the time for redemption has not expired and the city still holds the certificate of sale.

Sec. 68. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessments, should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of letting said building remain upon such land taken as aforesaid, for such time after condemnation as they may deem for the best interest of the city, and if they shall determine to let the building remain on said land for any given period, then they shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum when ascertained shall be deducted from the damages awarded for said building.

Sec. 69. Whenever the board of health of the city shall report to the city council that stagnant or impure water stands upon any lot or parcel of land, thereby creating a nuisance injurious to the public health, the council shall then proceed to investigate the same, and if they shall determine that a nuisance does exist by reason of any stagnant or impure water standing upon any lot, lots or parcels of land, and that the same is injurious to public health, they shall require the city engineer to report to the city council a plan for the abatement of said nuisance, together with an estimate of the expense of abatement thereof, and thereupon the city council shall proceed to confirm or otherwise dispose of said report; and if they confirm the same, and are of the opinion that the cost of said abatement can be defrayed by property specially benefited thereby, they shall appoint three (3) commissioners, as required in the case of opening, grading and widening streets, and such proceedings shall be afterwards had by said commissioners, the city council and the various city officers in the matter of

assessing compensation for property taken or injured by the improvement or abatement, the assessing of property benefited thereby and collecting the same by sale or otherwise as is provided for such proceeding in the matter of streets.

Sec. 70. When the cost and expense of any of the following improvements, viz.: A change of grade, a condemnation of land for a street, public market, levee, alley or park, or a condemnation of an easement in land for slopes in cuts or fills, does not exceed the sum of two hundred (200) dollars, the assessment therefor may be paid out of the current fund of the city.

Sec. 71. Whenever any assessment for any local improvement, whether for paving, repaving, macadamizing, guttering, curbing, or laying, relaying or extending any sewers, or constructing or repairing any sidewalk or making any other local improvement shall have been confirmed and an assessment roll adopted, thereafter the same proceedings shall be had for collecting the same by warrant to the city treasurer and subsequent proceedings by application to the district court for judgment, sale, redemption and otherwise, as hereinbefore provided for improvement of streets. But the provisions of the existing law with reference to all proceedings heretofore taken for effecting any local improvement shall remain in force for the purpose of prosecuting said local improvement to a final conclusion and collecting any assessment made therefor, except that all proceedings heretofore taken for paving North Main street in the city of Stillwater are hereby declared vacated and set aside, and the county auditor of Washington county is hereby authorized to cancel every assessment therefor extended on any record in his office, and the city council of the city of Stillwater is empowered and directed to refund all moneys paid in satisfaction of such assessments to the persons paying the same.

Sec. 72. All assessments for local improvements levied subsequent to Sept. 1, 1890, shall be collected by issue of a warrant therefor to the city treasurer and the prosecuting of such subsequent proceedings therefor as are herein provided for the collection of assessments hereafter assessed, and the authority of the county auditor of Washington county to further proceed therein is hereby terminated, and he is hereby required to cancel on the records in his office any such assessments extended thereon and remaining uncollected, and the collection of the same shall be made by the issue of a warrant to the city treasurer, and such further proceedings as are herein provided for the collection of assessment levied after the passage of this act, and all the provisions of this act relating to the collection of assessments, redemption of property sold therefor, the issue of certificate of sale and deeds on the expiration of the period of redemption and otherwise shall be in force and apply to the assessments aforesaid.

SEC. 3. Section seventeen (17), chapter three (3) of said act shall be amended so as to read: "The mayor shall receive a salary of three hundred dollars (\$300) per annum, the city clerk a salary of one thousand dollars (\$1,000) per annum, the city treasurer a salary of seven hundred and fifty dollars (\$750) per annum, and the aldermen each a salary of two hundred and fifty dollars (\$250) per annum. But this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving spe-

cial compensation for such services, nor impair the power of the city council to make such further compensation to the city treasurer or clerk by reason of the increased duties imposed in the collection of local assessments, as is provided in section two (2) of this act."

SEC. 4. Section one (1), Chapter one hundred and ten (110), Special Laws of the extra session of 1881, known as section 25a, chapter five (5) of the compilation of the aforesaid charter of the city of Stillwater, relating to transfer of the sinking fund to current fund, is hereby repealed.

SEC. 5. That subdivision third (3d) of section (5) of chapter four (4) of said act shall be amended so as to read as follows: "*Third*—To prevent any riots, noise, disturbance and disorderly assemblages in said city, or any disorderly conduct in any public place, theatre, hall or public place of resort or assembly in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming."

SEC. 6. That subdivision sixteen (16) of section five (5) of chapter four (4) of said act shall be amended so as to read as follows: "*Sixteenth*—To prevent open and notorious drunkenness and obscenity in the streets or public places of said city or the circulation or distribution of any printed matter which shall be obscene or libelous, or intended or naturally tending to provoke a breach of the peace or impair the good morals of the community, and provide for the arrest of all such persons who shall be guilty of the same."

SEC. 7. That section eighteen (18), chapter twelve (12) of said act, as amended by section fifty-four (54), Chapter six (6) of Special Laws of 1887, be amended so as to read as follows: "Sec. 18. *Salaries and Fees*—The salary of the judge of said court shall be fixed by the city council, at the beginning of each term, which shall not be less than one thousand dollars (\$1,000) nor greater than two thousand dollars (\$2,000) per year, and the clerk of said court a salary of six hundred dollars (\$600) per annum, payable from the treasury of the city of Stillwater, in monthly installments. Neither the said judge, clerk or deputy clerk of said court shall receive any fee or compensation for his services other than his salary as fixed by law. In all proceedings had in said municipal court like fees shall be charged and collected by the clerk as costs as are allowed by the law to justices of the peace in proceedings and upon trials before them or for similar services. Police officers of said city are hereby vested with all the powers of constables under the statutes of Minnesota, as well as at common law, and police officers in making service of any process or doing other duty in respect to causes in said court, shall note and return to the court for collection such fees as are allowed to constables for the like services in justice courts; and all fees, whether so charged by the clerk or any police officer, whether due from the county on preliminary examinations or otherwise, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided for."

SEC. 8. Section one (1) of chapter two (2) of said act shall be amended so as to read as follows: "Section 1. *Officers of the City and Term of Office*—The elective officers of said city shall be a mayor and

a treasurer, all of whom shall be residents and qualified voters of said city, and shall hold office for the term of two (2) years. Each ward shall elect one (1) alderman each year, who shall be a resident and a qualified voter of the ward for which he shall be elected, and hold his office for the term of three (3) years. The term of office of every officer elected under this act shall commence on the second (2d) Tuesday of April next following his election, and shall continue until a successor is elected and qualified. All other officers necessary for the proper management of the affairs of the city shall be appointed by the city council, unless otherwise provided. The appointment of such officers shall be determined by ballot, and it shall require the concurrence of a majority of all the members of the city council to appoint such officer. The city clerk shall hold his office for the term of two (2) years from and after the second Tuesday of April next following his election, and all other appointed officers, except when otherwise provided in this charter, for the term of one (1) year from said second (2d) Tuesday of April. All appointed officers shall continue in office until their successors are appointed and qualified, except as otherwise provided in this charter. All persons now holding office in said city shall continue in office to the expiration of the term for which they shall have been elected or appointed, and until their successors shall have been designated and qualified."

SEC. 9. Section two (2) of chapter two (2) of said act, as amended by section two (2), Chapter six (6), Special Laws 1887, shall be amended so as to read as follows: "Sec. 2. *Time of Elections and Notice*—The election for city officers and the aldermen of said city shall be held on the first Tuesday of April, 1891, and thereafter annually on the first Tuesday after the first Monday in November, beginning on the first Tuesday in November, 1891. Whenever a vacancy shall occur in the office of mayor such vacancy shall be filled by a special election, which shall be ordered and held within ten (10) days after such vacancy shall occur. The city clerk shall give ten (10) days' notice of the time and place of holding all general elections and reasonable notice of all special elections, and such notices shall also designate the officers to be elected at such general or special elections, but no defect in such notices or failure to give them shall invalidate any election. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons to be voted for, a proper designation of the office written or printed thereon. The person receiving the highest number of votes for any office shall be declared elected to such office. When two (2) or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as said council shall direct."

SEC. 10. Section five (5) of chapter two (2) of said act shall be amended so as to read as follows: "Sec. 5. *Election Precincts and Places of Holding Elections*—Each ward of said city shall constitute an election precinct. The city council shall, at least twenty (20) days previous to the general election for city officers to be held on the first Tuesday of April, 1891, and the general election for city, state and county officers to be held on the first Tuesday after the first Monday of November of each year, designate the place of holding elections in each precinct, and such place so designated shall not be subject to change by the voters present at the commencement of such elec-

tion. In case said city council shall neglect or refuse to provide such places of election previous to general elections as herein provided and in all cases of special election, the places of holding elections shall continue to be the same as at the general election next preceding such election."

SEC. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 28, 1891.

## CHAPTER 51.

[S. F. No. 65.]

### AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF READS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the act entitled an act to incorporate the village of Reads, approved March 5, 1868, and the several acts amendatory thereof, be amended so as to read as follows:

#### CHAPTER I.

SECTION 1. That all of lots one (1), two (2), three (3) and four (4), the north half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) and the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section twenty-four (24), town one hundred and eleven (111) north, range eleven (11) west, and the whole of fractional section nineteen (19), and the west half ( $\frac{1}{2}$ ) of section thirty (30), town one hundred and eleven (111) north, range ten (10) west, shall be known as the village of Reads, and as such corporation shall possess and enjoy all the power and privileges that can now or hereafter be possessed or enjoyed by any municipal corporation of like grade, and by and in its corporate name may sue and be sued, make contracts, purchase, take and hold real and personal property and convey the same, and shall have a corporate seal, alterable at pleasure.

Every grant or devise of lands or right or transfer of property which has been or may be made for the benefit of the inhabitants shall have the same effect as if made to the village by name.

The territory described in this act as the village of Reads shall be and constitute but one school district, and the trustees of said village shall constitute the board of education of such school district and be the trustees thereof, and shall be subject to the same regulations and possess the same power and authority under the general laws of this state as the trustees of other school districts possess and enjoy; *Provided*, that the clerk of said village shall be clerk of said school district and the treasurer of said village shall be treasurer of such district.



**SEC. 2.** The government of said corporation and the management of all its municipal concerns shall be vested in a board of five (5) trustees, one (1) of whom shall be elected by them as president of the board, a clerk, treasurer, marshal, two (2) constables, two (2) justices of the peace and one (1) assessor.

The trustees, treasurer, clerk, assessor, constables and justices of the peace shall be duly elected by the qualified electors of said village, and shall each be residents and qualified electors thereof. The treasurer and justices of the peace of said village shall hold their respective offices for two (2) years from the time of their being elected and qualified, and until their successors shall be duly elected and qualified. Vacancies which may occur in any of the offices shall be filled by the board of trustees for the unexpired terms.

All officers, before entering upon the discharge of their respective offices, shall take and subscribe an oath to faithfully and honestly discharge the duties of their respective offices, which oath shall be in writing and shall be filed with the clerk of said village.

An appeal shall lie from all judgments of the justices of the peace of said village to the district court of said county in all cases where an appeal is allowed by the general statutes of this state from judgments of justices of the peace, and shall be taken in the same manner as is provided for appeals from justices of the peace by the laws of Minnesota.

The said treasurer and justices of the peace, as well as said marshal and constables, shall each execute a good and sufficient bond to the trustees of the village, conditioned for the faithful discharge of their duties as such officers, which bonds shall be filed with the clerk of said village.

**SEC. 3.** There shall be an annual election held on the first (1st) Tuesday of February in each year at which the electors of said village, qualified to vote at town elections, may elect by ballot and by plurality of votes the trustees, clerk, treasurer, justices of the peace and constables as aforesaid. The trustees shall cause the clerk to give ten (10) days' notice of the time and place of holding such elections, by posting up written or printed notices thereof in three (3) public places in such village.

The said elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply to such village election as far as consistency will admit. The oath of a voter shall be the same as that at town meetings, and false swearing shall be punished as perjury.

**SEC. 4.** No officer of said village shall be entitled to receive any compensation for his official services, except the clerk, treasurer, village justices, constables and marshal, and such other officers as may be appointed to fill offices hereafter created by the trustees, and in such case such compensation shall be fixed by the by-laws of said village.

**SEC. 5.** The majority of the board of trustees shall constitute a quorum for the transaction of business and may remove the other elective officers for cause, after giving them an opportunity to be heard in their own defense. They may fill all vacancies by appointment, and may adopt by-laws prescribing the duties of all officers, the kind of securities and the mode of giving the same, and shall approve all official bonds required by this act.

The village marshal shall have the same powers and duties as a town constable, and shall be entitled to the same fees as such constable for like services.

**SEC. 6.** Any officer of said village whose official term has expired and who shall not, within six (6) days after having been requested by his successor, deliver all books and property or effects in his hands pertaining to his office or belonging to the village, shall forfeit and pay to the use of said village the sum of one hundred dollars (\$100), and shall be also liable for all damages caused to the village by such neglect or refusal, and such successor may recover possession of such books, papers or property in the manner prescribed by the laws of this state in like cases.

**SEC. 7.** The board of trustees of said village shall have full power and authority to enact, adopt, modify, enforce, and from time to time repeal or amend, all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, viz.:

*First*—To regulate the mode of and establish rules for their proceedings.

*Second*—To adopt a corporate seal and alter the same at pleasure.

*Third*—To receive, purchase and hold for the use of the village any estate, real and personal, and to sell and convey the same.

*Fourth*—To limit and define the duties and powers of officers and agents of the village, fix their compensation and fill vacancies when no other provision is made by law; to call special elections, and to designate trustees to act as judges of elections.

*Fifth*—To procure the books and records herein to be kept by village officers, and such other furniture, property, stationery and printing as shall be necessary for village purposes.

*Sixth*—To provide for the prosecution or defense of all actions or proceedings in which the village is interested and employ legal counsel therefor.

*Seventh*—To appoint a village attorney, a poundmaster, one or more sextons or keepers of cemeteries, one or more fire wardens and one or more street commissioners, whenever they deem necessary.

Every street commissioner, when by resolution the village board shall require it, shall take and file his oath of office and execute a bond, conditioned for the faithful discharge of his duties and for the proper application and payment of all moneys that may come into his hands by virtue of his office.

*Eighth*—To control and protect the public buildings, property and records, and insure the same.

*Ninth*—To renumber the lots and blocks of the village or any part thereof, when they may deem it necessary, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the county.

*Tenth*—To establish a fire department; to appoint the officers and members thereof, and to prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of the fire as shall be directed by said trustees or any two of them who may be at the fire, for the purpose of preventing its

communication to other buildings; to establish fire limits, or the limits within which wooden or other combustible buildings shall not be erected; to require the owners and occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from attachment or execution, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village, or any part thereof; to authorize fire wardens, at all reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

*Eleventh*—To lay out, open, change, widen or extend lanes, alleys, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair, or discontinue the same or any part thereof, or to establish and open drains, canals, or sewers, or to alter, widen, or straighten water courses; to make, alter, widen, or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks; to prevent the incumbering of streets, sidewalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, firewood or other substances or materials; to prevent horse racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village or the doing of damage in any way to such sidewalks; and to require the owners or occupants of buildings to remove snow, ice, dirt or rubbish from the sidewalks adjacent thereto, and in default thereof to authorize the removal of the same at the expense of such owner or occupant.

*Twelfth*—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals, and to authorize the distraining, impounding and sale of the same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of said village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village and the rate of speed of the same; to prevent the running at large of dogs, and authorize the destruction of the same in a summary manner when at large contrary to the ordinances; to license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such, and to prevent any unnecessary noise or disturbance during the arrival and departure of persons in public conveyances.

*Thirteenth*—To establish and regulate markets and restrain sales in the streets.

*Fourteenth*—To purchase and hold cemetery grounds within or without the village limits, inclose, lay out and ornament the same, and to sell and convey lots therein by deed; to establish public walks and parks, inclose, improve and ornament the same and prevent the incumbering or obstruction thereof, and to provide for and regulate the setting out of shade and ornamental trees in the streets and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

*Fifteenth*—To prevent or license and regulate the exhibition of caravans, circuses, theatrical performances or shows of any kind; to prevent or license and regulate the keeping of billiard tables, pigeon hole tables and bowling saloons; to suppress and restrain or license and regulate mountebanks and auctioneers; and in all such cases they may fix the price of such license and prescribe the term of its continuance and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

*Sixteenth*—To provide for the planting and protection of shade trees and monuments in said village.

*Seventeenth*—To restrain and prohibit gift enterprises, all description of gaming, and all playing of cards, dice and other games of chance for the purpose of gaming, and to license or restrain and prohibit any person from selling, bartering, disposing of or dealing in spirituous, malt, fermented, vinous or mixed intoxicating liquors of any kind, and to punish any violation of law or of the village ordinances relating thereto, and to revoke for any cause any license for the sale of intoxicating liquors granted by the village board whenever, after a hearing of the case, they shall deem proper.

*Eighteenth*—To choose a village marshal and to remove him at will; to prescribe his duties and to fix his compensation for his services.

*Nineteenth*—To establish and maintain public libraries and reading-rooms, purchase books, papers and magazines therefor, and make all needful rules and regulations for the safe keeping and handling of the same.

*Twentieth*—To appoint a street commissioner, regular and special policemen and a chief of police, and to fix their compensation and prescribe their duties.

*Twenty-first*—To remove any officer appointed or elected by such board, whenever in their judgment the public welfare will be thereby promoted.

*Twenty-second*—To purchase, build or lease and maintain and regulate a watchhouse or place for the confinement of offenders against the ordinances and by-laws and for temporary detention of suspected persons.

*Twenty-third*—To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead, and return bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow-chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to remove or abate the same or to cleanse it as often as they may deem necessary for the public health or comfort; to direct the location and management of slaughter houses and to prevent the erection, use or occupation of the same

except as authorized by them; to prevent any person or persons from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substances from their premises, and to provide for the cleaning and removal of obstructions from any river, stream, slough or water-course within the limits of the village, and to prevent the obstruction or retarding of the flow of water therein or the putting of anything into the same which may be prejudicial to the health of the village.

*Twenty-fourth*—To make and regulate the use of public wells, cisterns and reservoirs.

*Twenty-fifth*—To erect lamp posts and lamps, and provide for lighting any portion of the village or streets thereof by gas, electricity or otherwise.

*Twenty-sixth*—To establish harbor and dock limits, and to regulate the location and construction and use of all piers, docks, wharves and boat houses on any navigable waters, and fix rates of wharfage.

*Twenty-seventh*—To levy and provide for the collection of taxes, including poll tax and assessments, audit claims and demands against the village and direct orders therefor in the manner prescribed by law; to refund any tax or special assessment paid or any part thereof when satisfied that the same was unjust or illegal; to authorize bonds of the village to be issued in the cases provided by law, and generally manage the financial concerns of the village; and they shall cause to be prepared and read, at each annual village election, a true, detailed and itemized statement by them of the finances of the village, showing the amount in the treasury at the commencement of the year, when and from what sources all money paid into the treasury during the preceding year were derived and the whole amount thereof, and when and to whom and for what purpose all money paid from the treasury during the same period was paid and the whole amount thereof, with the balance then in the treasury, which statement shall forthwith be recorded in the minute book and filed and preserved in the clerk's office.

*Twenty-eighth*—To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient, and to determine and establish by ordinance the mode of procedure and what it shall be sufficient to allege and prove in order to make out a *prima facie* case of violation of any ordinance.

*Twenty-ninth*—To prescribe penalties for the violation of any ordinance or by-law, to be not less than one (1) dollar nor more than one hundred (100) dollars in any case, beside the cost of suit in all cases; and, in default of payment, provide for committing the person convicted to the watchhouse or place of confinement in the village, or to the county jail, until payment be made, but not to exceed ninety (90) days in all for any one case; and to modify, amend or repeal any ordinance, resolution, by-law or other former determination of the board.

SEC. 8. In all matters not herein especially provided for the village shall be governed and its affairs administered according to the general laws now or hereafter to be in force in relation to villages in this state.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed; but all ordinances, resolutions and by-laws heretofore made and established by the trustees of the village and not inconsistent with this act shall remain in force until amended, altered and repealed by them, and the board of trustees may, from time to time, provide for the compilation and publication of the ordinances of the village and such resolutions as they may designate.

SEC. 10. When any suit or action shall be commenced against the village, service thereof may be made by leaving with the president of the board a copy of the process by the proper officer, and it shall be the duty of the president to forthwith notify the board and the village attorney (if there be one appointed) thereof, and to take such further proceeding as the board may direct by ordinance or resolution.

SEC. 11. Notwithstanding the supersedure or repeal by this act of the act incorporating the village of Reads and acts amendatory thereof, it is not intended that any rights vested shall be lost hereby, but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence, claims against the village, right of eminent domain, mode of levying, assessing and collecting taxes, mode of procedure in actions brought to recover any penalty or damages, the time of opening and closing the polls at elections, the laying out, opening widening, extending, repairing, grading and improving streets, and all rights of every kind inchoate or perfected, the provisions of such acts as are hereby suspended or repealed, and of all ordinances heretofore passed by the trustees of said village shall be deemed to continue in force unless specifically altered or repealed by this act.

SEC. 12. This village charter shall be a public act, and need not be pleaded in any case or action or proceeding in any of the courts of this state.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

## CHAPTER 52.

[H. F. No. 796.]

AN ACT TO AMEND, CONTINUE AND CONSOLIDATE INTO ONE ACT THE CHARTER OF THE CITY OF WASECA AND CHAPTER ONE HUNDRED AND SEVENTEEN (117) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ESTABLISHING A MUNICIPAL COURT IN THE CITY OF WASECA, AND ACTS AMENDATORY THEREOF AND OF EACH THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the act entitled "An act to incorporate the city of Waseca," being Chapter forty-seven (47) of the Special Laws of the State of Minnesota, for the year one thousand eight hundred and

assessing compensation for property taken or injured by the improvement or abatement, the assessing of property benefited thereby and collecting the same by sale or otherwise as is provided for such proceeding in the matter of streets.

Sec. 70. When the cost and expense of any of the following improvements, viz.: A change of grade, a condemnation of land for a street, public market, levee, alley or park, or a condemnation of an easement in land for slopes in cuts or fills, does not exceed the sum of two hundred (200) dollars, the assessment therefor may be paid out of the current fund of the city.

Sec. 71. Whenever any assessment for any local improvement, whether for paving, repaving, macadamizing, guttering, curbing, or laying, relaying or extending any sewers, or constructing or repairing any sidewalk or making any other local improvement shall have been confirmed and an assessment roll adopted, thereafter the same proceedings shall be had for collecting the same by warrant to the city treasurer and subsequent proceedings by application to the district court for judgment, sale, redemption and otherwise, as heretofore provided for improvement of streets. But the provisions of the existing law with reference to all proceedings heretofore taken for effecting any local improvement shall remain in force for the purpose of prosecuting said local improvement to a final conclusion and collecting any assessment made therefor, except that all proceedings heretofore taken for paving North Main street in the city of Stillwater are hereby declared vacated and set aside, and the county auditor of Washington county is hereby authorized to cancel every assessment therefor extended on any record in his office, and the city council of the city of Stillwater is empowered and directed to refund all moneys paid in satisfaction of such assessments to the persons paying the same.

Sec. 72. All assessments for local improvements levied subsequent to Sept. 1, 1890, shall be collected by issue of a warrant therefor to the city treasurer and the prosecuting of such subsequent proceedings therefor as are herein provided for the collection of assessments hereafter assessed, and the authority of the county auditor of Washington county to further proceed therein is hereby terminated, and he is hereby required to cancel on the records in his office any such assessments extended thereon and remaining uncollected, and the collection of the same shall be made by the issue of a warrant to the city treasurer, and such further proceedings as are herein provided for the collection of assessment levied after the passage of this act, and all the provisions of this act relating to the collection of assessments, redemption of property sold therefor, the issue of certificate of sale and deeds on the expiration of the period of redemption and otherwise shall be in force and apply to the assessments aforesaid.

SEC. 3. Section seventeen (17), chapter three (3) of said act shall be amended so as to read: "The mayor shall receive a salary of three hundred dollars (\$300) per annum, the city clerk a salary of one thousand dollars (\$1,000) per annum, the city treasurer a salary of seven hundred and fifty dollars (\$750) per annum, and the aldermen each a salary of two hundred and fifty dollars (\$250) per annum. But this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving spe-

cial compensation for such services, nor impair the power of the city council to make such further compensation to the city treasurer or clerk by reason of the increased duties imposed in the collection of local assessments, as is provided in section two (2) of this act."

SEC. 4. Section one (1), Chapter one hundred and ten (110), Special Laws of the extra session of 1881, known as section 25a, chapter five (5) of the compilation of the aforesaid charter of the city of Stillwater, relating to transfer of the sinking fund to current fund, is hereby repealed.

SEC. 5. That subdivision third (3d) of section (5) of chapter four (4) of said act shall be amended so as to read as follows: "*Third*—To prevent any riots, noise, disturbance and disorderly assemblages in said city, or any disorderly conduct in any public place, theatre, hall or public place of resort or assembly in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming."

SEC. 6. That subdivision sixteen (16) of section five (5) of chapter four (4) of said act shall be amended so as to read as follows: "*Sixteenth*—To prevent open and notorious drunkenness and obscenity in the streets or public places of said city or the circulation or distribution of any printed matter which shall be obscene or libelous, or intended or naturally tending to provoke a breach of the peace or impair the good morals of the community, and provide for the arrest of all such persons who shall be guilty of the same."

SEC. 7. That section eighteen (18), chapter twelve (12) of said act, as amended by section fifty-four (54), Chapter six (6) of Special Laws of 1887, be amended so as to read as follows: "*Sec. 18. Salaries and Fees*—The salary of the judge of said court shall be fixed by the city council, at the beginning of each term, which shall not be less than one thousand dollars (\$1,000) nor greater than two thousand dollars (\$2,000) per year, and the clerk of said court a salary of six hundred dollars (\$600) per annum, payable from the treasury of the city of Stillwater, in monthly installments. Neither the said judge, clerk or deputy clerk of said court shall receive any fee or compensation for his services other than his salary as fixed by law. In all proceedings had in said municipal court like fees shall be charged and collected by the clerk as costs as are allowed by the law to justices of the peace in proceedings and upon trials before them or for similar services. Police officers of said city are hereby vested with all the powers of constables under the statutes of Minnesota, as well as at common law, and police officers in making service of any process or doing other duty in respect to causes in said court, shall note and return to the court for collection such fees as are allowed to constables for the like services in justice courts; and all fees, whether so charged by the clerk or any police officer, whether due from the county on preliminary examinations or otherwise, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided for."

SEC. 8. Section one (1) of chapter two (2) of said act shall be amended so as to read as follows: "*Section 1. Officers of the City and Term of Office*—The elective officers of said city shall be a mayor and



a treasurer, all of whom shall be residents and qualified voters of said city, and shall hold office for the term of two (2) years. Each ward shall elect one (1) alderman each year, who shall be a resident and a qualified voter of the ward for which he shall be elected, and hold his office for the term of three (3) years. The term of office of every officer elected under this act shall commence on the second (2d) Tuesday of April next following his election, and shall continue until a successor is elected and qualified. All other officers necessary for the proper management of the affairs of the city shall be appointed by the city council, unless otherwise provided. The appointment of such officers shall be determined by ballot, and it shall require the concurrence of a majority of all the members of the city council to appoint such officer. The city clerk shall hold his office for the term of two (2) years from and after the second Tuesday of April next following his election, and all other appointed officers, except when otherwise provided in this charter, for the term of one (1) year from said second (2d) Tuesday of April. All appointed officers shall continue in office until their successors are appointed and qualified, except as otherwise provided in this charter. All persons now holding office in said city shall continue in office to the expiration of the term for which they shall have been elected or appointed, and until their successors shall have been designated and qualified."

SEC. 9. Section two (2) of chapter two (2) of said act, as amended by section two (2), Chapter six (6), Special Laws 1887, shall be amended so as to read as follows: "*Sec. 2. Time of Elections and Notice*—The election for city officers and the aldermen of said city shall be held on the first Tuesday of April, 1891, and thereafter annually on the first Tuesday after the first Monday in November, beginning on the first Tuesday in November, 1891. Whenever a vacancy shall occur in the office of mayor such vacancy shall be filled by a special election, which shall be ordered and held within ten (10) days after such vacancy shall occur. The city clerk shall give ten (10) days' notice of the time and place of holding all general elections and reasonable notice of all special elections, and such notices shall also designate the officers to be elected at such general or special elections, but no defect in such notices or failure to give them shall invalidate any election. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons to be voted for, a proper designation of the office written or printed thereon. The person receiving the highest number of votes for any office shall be declared elected to such office. When two (2) or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as said council shall direct."

SEC. 10. Section five (5) of chapter two (2) of said act shall be amended so as to read as follows: "*Sec. 5. Election Precincts and Places of Holding Elections*—Each ward of said city shall constitute an election precinct. The city council shall, at least twenty (20) days previous to the general election for city officers to be held on the first Tuesday of April, 1891, and the general election for city, state and county officers to be held on the first Tuesday after the first Monday of November of each year, designate the place of holding elections in each precinct, and such place so designated shall not be subject to change by the voters present at the commencement of such elec-

tion. In case said city council shall neglect or refuse to provide such places of election previous to general elections as herein provided and in all cases of special election, the places of holding elections shall continue to be the same as at the general election next preceding such election."

SEC. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 28, 1891.

## CHAPTER 51.

[S. F. No. 65.]

### AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF READS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the act entitled an act to incorporate the village of Reads, approved March 5, 1868, and the several acts amendatory thereof, be amended so as to read as follows:

### CHAPTER I.

SECTION 1. That all of lots one (1), two (2), three (3) and four (4), the north half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) and the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section twenty-four (24), town one hundred and eleven (111) north, range eleven (11) west, and the whole of fractional section nineteen (19), and the west half ( $\frac{1}{2}$ ) of section thirty (30), town one hundred and eleven (111) north, range ten (10) west, shall be known as the village of Reads, and as such corporation shall possess and enjoy all the power and privileges that can now or hereafter be possessed or enjoyed by any municipal corporation of like grade, and by and in its corporate name may sue and be sued, make contracts, purchase, take and hold real and personal property and convey the same, and shall have a corporate seal, alterable at pleasure.

Every grant or devise of lands or right or transfer of property which has been or may be made for the benefit of the inhabitants shall have the same effect as if made to the village by name.

The territory described in this act as the village of Reads shall be and constitute but one school district, and the trustees of said village shall constitute the board of education of such school district and be the trustees thereof, and shall be subject to the same regulations and possess the same power and authority under the general laws of this state as the trustees of other school districts possess and enjoy; *Provided*, that the clerk of said village shall be clerk of said school district and the treasurer of said village shall be treasurer of such district.

**SEC. 2.** The government of said corporation and the management of all its municipal concerns shall be vested in a board of five (5) trustees, one (1) of whom shall be elected by them as president of the board, a clerk, treasurer, marshal, two (2) constables, two (2) justices of the peace and one (1) assessor.

The trustees, treasurer, clerk, assessor, constables and justices of the peace shall be duly elected by the qualified electors of said village, and shall each be residents and qualified electors thereof. The treasurer and justices of the peace of said village shall hold their respective offices for two (2) years from the time of their being elected and qualified, and until their successors shall be duly elected and qualified. Vacancies which may occur in any of the offices shall be filled by the board of trustees for the unexpired terms.

All officers, before entering upon the discharge of their respective offices, shall take and subscribe an oath to faithfully and honestly discharge the duties of their respective offices, which oath shall be in writing and shall be filed with the clerk of said village.

An appeal shall lie from all judgments of the justices of the peace of said village to the district court of said county in all cases where an appeal is allowed by the general statutes of this state from judgments of justices of the peace, and shall be taken in the same manner as is provided for appeals from justices of the peace by the laws of Minnesota.

The said treasurer and justices of the peace, as well as said marshal and constables, shall each execute a good and sufficient bond to the trustees of the village, conditioned for the faithful discharge of their duties as such officers, which bonds shall be filed with the clerk of said village.

**SEC. 3.** There shall be an annual election held on the first (1st) Tuesday of February in each year at which the electors of said village, qualified to vote at town elections, may elect by ballot and by plurality of votes the trustees, clerk, treasurer, justices of the peace and constables as aforesaid. The trustees shall cause the clerk to give ten (10) days' notice of the time and place of holding such elections, by posting up written or printed notices thereof in three (3) public places in such village.

The said elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply to such village election as far as consistency will admit. The oath of a voter shall be the same as that at town meetings, and false swearing shall be punished as perjury.

**SEC. 4.** No officer of said village shall be entitled to receive any compensation for his official services, except the clerk, treasurer, village justices, constables and marshal, and such other officers as may be appointed to fill offices hereafter created by the trustees, and in such case such compensation shall be fixed by the by-laws of said village.

**SEC. 5.** The majority of the board of trustees shall constitute a quorum for the transaction of business and may remove the other elective officers for cause, after giving them an opportunity to be heard in their own defense. They may fill all vacancies by appointment, and may adopt by-laws prescribing the duties of all officers, the kind of securities and the mode of giving the same, and shall approve all official bonds required by this act.

The village marshal shall have the same powers and duties as a town constable, and shall be entitled to the same fees as such constable for like services.

**SEC. 6.** Any officer of said village whose official term has expired and who shall not, within six (6) days after having been requested by his successor, deliver all books and property or effects in his hands pertaining to his office or belonging to the village, shall forfeit and pay to the use of said village the sum of one hundred dollars (\$100), and shall be also liable for all damages caused to the village by such neglect or refusal, and such successor may recover possession of such books, papers or property in the manner prescribed by the laws of this state in like cases.

**SEC. 7.** The board of trustees of said village shall have full power and authority to enact, adopt, modify, enforce, and from time to time repeal or amend, all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, viz.:

*First*—To regulate the mode of and establish rules for their proceedings.

*Second*—To adopt a corporate seal and alter the same at pleasure.

*Third*—To receive, purchase and hold for the use of the village any estate, real and personal, and to sell and convey the same.

*Fourth*—To limit and define the duties and powers of officers and agents of the village, fix their compensation and fill vacancies when no other provision is made by law; to call special elections, and to designate trustees to act as judges of elections.

*Fifth*—To procure the books and records herein to be kept by village officers, and such other furniture, property, stationery and printing as shall be necessary for village purposes.

*Sixth*—To provide for the prosecution or defense of all actions or proceedings in which the village is interested and employ legal counsel therefor.

*Seventh*—To appoint a village attorney, a poundmaster, one or more sextons or keepers of cemeteries, one or more fire wardens and one or more street commissioners, whenever they deem necessary.

Every street commissioner, when by resolution the village board shall require it, shall take and file his oath of office and execute a bond, conditioned for the faithful discharge of his duties and for the proper application and payment of all moneys that may come into his hands by virtue of his office.

*Eighth*—To control and protect the public buildings, property and records, and insure the same.

*Ninth*—To renumber the lots and blocks of the village or any part thereof, when they may deem it necessary, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the county.

*Tenth*—To establish a fire department; to appoint the officers and members thereof, and to prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of the fire as shall be directed by said trustees or any two of them who may be at the fire, for the purpose of preventing its

communication to other buildings; to establish fire limits, or the limits within which wooden or other combustible buildings shall not be erected; to require the owners and occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from attachment or execution, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village, or any part thereof; to authorize fire wardens, at all reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

*Eleventh*—To lay out, open, change, widen or extend lanes, alleys, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair, or discontinue the same or any part thereof, or to establish and open drains, canals, or sewers, or to alter, widen, or straighten water courses; to make, alter, widen, or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks; to prevent the incumbering of streets, sidewalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, firewood or other substances or materials; to prevent horse racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village or the doing of damage in any way to such sidewalks; and to require the owners or occupants of buildings to remove snow, ice, dirt or rubbish from the sidewalks adjacent thereto, and in default thereof to authorize the removal of the same at the expense of such owner or occupant.

*Twelfth*—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals, and to authorize the distraining, impounding and sale of the same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of said village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village and the rate of speed of the same; to prevent the running at large of dogs, and authorize the destruction of the same in a summary manner when at large contrary to the ordinances; to license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such, and to prevent any unnecessary noise or disturbance during the arrival and departure of persons in public conveyances.

*Thirteenth*—To establish and regulate markets and restrain sales in the streets.

*Fourteenth*—To purchase and hold cemetery grounds within or without the village limits, inclose, lay out and ornament the same, and to sell and convey lots therein by deed; to establish public walks and parks, inclose, improve and ornament the same and prevent the incumbering or obstruction thereof, and to provide for and regulate the setting out of shade and ornamental trees in the streets and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

*Fifteenth*—To prevent or license and regulate the exhibition of caravans, circuses, theatrical performances or shows of any kind; to prevent or license and regulate the keeping of billiard tables, pigeon hole tables and bowling saloons; to suppress and restrain or license and regulate mountebanks and auctioneers; and in all such cases they may fix the price of such license and prescribe the term of its continuance and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

*Sixteenth*—To provide for the planting and protection of shade trees and monuments in said village.

*Seventeenth*—To restrain and prohibit gift enterprises, all description of gaming, and all playing of cards, dice and other games of chance for the purpose of gaming, and to license or restrain and prohibit any person from selling, bartering, disposing of or dealing in spirituous, malt, fermented, vinous or mixed intoxicating liquors of any kind, and to punish any violation of law or of the village ordinances relating thereto, and to revoke for any cause any license for the sale of intoxicating liquors granted by the village board whenever, after a hearing of the case, they shall deem proper.

*Eighteenth*—To choose a village marshal and to remove him at will; to prescribe his duties and to fix his compensation for his services.

*Nineteenth*—To establish and maintain public libraries and reading-rooms, purchase books, papers and magazines therefor, and make all needful rules and regulations for the safe keeping and handling of the same.

*Twentieth*—To appoint a street commissioner, regular and special policemen and a chief of police, and to fix their compensation and prescribe their duties.

*Twenty-first*—To remove any officer appointed or elected by such board, whenever in their judgment the public welfare will be thereby promoted.

*Twenty-second*—To purchase, build or lease and maintain and regulate a watchhouse or place for the confinement of offenders against the ordinances and by-laws and for temporary detention of suspected persons.

*Twenty-third*—To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead, and return bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow-chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to remove or abate the same or to cleanse it as often as they may deem necessary for the public health or comfort; to direct the location and management of slaughter houses and to prevent the erection, use or occupation of the same

except as authorized by them; to prevent any person or persons from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substances from their premises, and to provide for the cleaning and removal of obstructions from any river, stream, slough or water-course within the limits of the village, and to prevent the obstruction or retarding of the flow of water therein or the putting of anything into the same which may be prejudicial to the health of the village.

*Twenty-fourth*—To make and regulate the use of public wells, cisterns and reservoirs.

*Twenty-fifth*—To erect lamp posts and lamps, and provide for lighting any portion of the village or streets thereof by gas, electricity or otherwise.

*Twenty-sixth*—To establish harbor and dock limits, and to regulate the location and construction and use of all piers, docks, wharves and boat houses on any navigable waters, and fix rates of wharfage.

*Twenty-seventh*—To levy and provide for the collection of taxes, including poll tax and assessments, audit claims and demands against the village and direct orders therefor in the manner prescribed by law; to refund any tax or special assessment paid or any part thereof when satisfied that the same was unjust or illegal; to authorize bonds of the village to be issued in the cases provided by law, and generally manage the financial concerns of the village; and they shall cause to be prepared and read, at each annual village election, a true, detailed and itemized statement by them of the finances of the village, showing the amount in the treasury at the commencement of the year, when and from what sources all money paid into the treasury during the preceding year were derived and the whole amount thereof, and when and to whom and for what purpose all money paid from the treasury during the same period was paid and the whole amount thereof, with the balance then in the treasury, which statement shall forthwith be recorded in the minute book and filed and preserved in the clerk's office.

*Twenty-eighth*—To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient, and to determine and establish by ordinance the mode of procedure and what it shall be sufficient to allege and prove in order to make out a *prima facie* case of violation of any ordinance.

*Twenty-ninth*—To prescribe penalties for the violation of any ordinance or by-law, to be not less than one (1) dollar nor more than one hundred (100) dollars in any case, beside the cost of suit in all cases; and, in default of payment, provide for committing the person convicted to the watchhouse or place of confinement in the village, or to the county jail, until payment be made, but not to exceed ninety (90) days in all for any one case; and to modify, amend or repeal any ordinance, resolution, by-law or other former determination of the board.

SEC. 8. In all matters not herein especially provided for the village shall be governed and its affairs administered according to the general laws now or hereafter to be in force in relation to villages in this state.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed; but all ordinances, resolutions and by-laws heretofore made and established by the trustees of the village and not inconsistent with this act shall remain in force until amended, altered and repealed by them, and the board of trustees may, from time to time, provide for the compilation and publication of the ordinances of the village and such resolutions as they may designate.

SEC. 10. When any suit or action shall be commenced against the village, service thereof may be made by leaving with the president of the board a copy of the process by the proper officer, and it shall be the duty of the president to forthwith notify the board and the village attorney (if there be one appointed) thereof, and to take such further proceeding as the board may direct by ordinance or resolution.

SEC. 11. Notwithstanding the supersedure or repeal by this act of the act incorporating the village of Reads and acts amendatory thereof, it is not intended that any rights vested shall be lost hereby, but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence, claims against the village, right of eminent domain, mode of levying, assessing and collecting taxes, mode of procedure in actions brought to recover any penalty or damages, the time of opening and closing the polls at elections, the laying out, opening widening, extending, repairing, grading and improving streets, and all rights of every kind inchoate or perfected, the provisions of such acts as are hereby suspended or repealed, and of all ordinances heretofore passed by the trustees of said village shall be deemed to continue in force unless specifically altered or repealed by this act.

SEC. 12. This village charter shall be a public act, and need not be pleaded in any case or action or proceeding in any of the courts of this state.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

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## CHAPTER 52.

[H. F. No. 796.]

AN ACT TO AMEND, CONTINUE AND CONSOLIDATE INTO ONE ACT THE CHARTER OF THE CITY OF WASECA AND CHAPTER ONE HUNDRED AND SEVENTEEN (117) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ESTABLISHING A MUNICIPAL COURT IN THE CITY OF WASECA, AND ACTS AMENDATORY THEREOF AND OF EACH THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the act entitled "An act to incorporate the city of Waseca," being Chapter forty-seven (47) of the Special Laws of the State of Minnesota, for the year one thousand eight hundred and



eighty-one (1881), and the act entitled "An act to be entitled 'an act to establish a municipal court in the city of Waseca,'" being Chapter one hundred seventeen (117) of the Special Laws of the State of Minnesota, for the year one thousand eight hundred and eighty-five (1885), and the subsequent acts of the legislature amending the same, and each thereof, are hereby consolidated, amended and continued so that the same shall constitute the charter of the said city of Waseca and be and read as follows:

## CHAPTER I.

### CITY BOUNDARIES.

**SECTION 1.** All that part of the county of Waseca, in the state of Minnesota within the limits and boundaries hereinafter described, shall be a city, and, with the people now and hereafter inhabiting such territory, shall be a municipal corporation known and called "The City of Waseca," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially provided; shall be capable of contracting and being contracted with, of suing and being sued in all courts; may have a common seal and may alter and change the same at pleasure; may take, hold, purchase, lease and convey such real, personal or mixed estate as the purposes of the corporation may require.

**SEC. 2.** The following described territory shall constitute the city of Waseca:

The south one-half ( $\frac{1}{2}$ ) of sections seven (7) and eight (8), and the north half ( $\frac{1}{2}$ ) and the north half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section seventeen (17), and the northeast quarter ( $\frac{1}{4}$ ) and the east one-half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) and the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section eighteen (18), all in township one hundred and seven (107) north of range twenty-two (22) west.

**SEC. 3.** *Ward Boundaries.*—That the said city shall be divided into three (3) wards, to be called the First (1st), Second (2d) and Third (3d) wards, and be described and bounded as follows:

*First Ward*—All that part of said city lying north of a line described as follows, to-wit: Commencing at the southwest corner of section seven (7) of township one hundred and seven (107) north of range twenty-two (22) west, thence east on the south line of said section to the main track of the Minneapolis and St. Louis Railway, thence south along the main track of said railway to the centre of Oak street in Trowbridge's addition, thence east along the centre of Oak street through Trowbridge's addition and the original plat of the village (now city) of Waseca to Second street of said original plat, thence north along the centre line of Second street of said original plat to Lake avenue, thence east along the centre line of Lake avenue in the original plat and First and Lakeside additions, shall constitute the First (1st) ward.

*Second Ward*—All that part of said city lying east of the centre line of Second street and south of the First (1st) ward and north of a line described as follows: Commencing at the intersection of Oak and Second streets of the original plat of the village (now city) of

Waseca, thence east along the centre line of Oak street to First addition of the village (now city) of Waseca, thence south along the centre line of Sixth street to the main track of the Winona and St. Peter Railroad, thence east along the main track of said railroad to the eastern boundary of said city, shall constitute the Second (2d) ward.

*Third Ward*—All the remainder of the territory within the limits of said city shall constitute the Third (3d) ward.

**SEC. 4. Elections.**—There shall be an annual city election for elective officers held on the first (1st) Tuesday of April of each year, at such place in each ward as the common council may designate. And if in any ward there shall not be a suitable place for holding such election, the common council may designate a place in an adjoining ward; but the same place shall not be designated for more than one (1) ward.

The polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon, and notice shall be given of the time and places of holding such election, in said city, as is or may be required by the general laws of the state of Minnesota, and should there be any failure to hold such election the common council shall immediately order a special election.

**SEC. 5.** Such city elections shall be held and conducted in the manner provided for holding elections by the general laws of the state of Minnesota, and all laws of the state of Minnesota relating to general elections shall apply to and govern elections of said city so far as the same can be made applicable, and said elections shall be conducted pursuant to the requirements of said laws; *Provided, however,* that no person shall be qualified to act as judge of an election at which he is a candidate for any office.

**SEC. 6.** When the city election shall be closed the votes for each person voted shall be counted, the judges shall make sealed returns thereof on the day of election to the recorder, stating in such returns the number of votes for each person for each and every office, and the common council shall meet and canvass said returns and declare the result within two (2) days thereafter, and the recorder shall forthwith notify the officers elected of their election.

**SEC. 7.** Special elections may be ordered by a resolution of the common council, and shall be called and conducted and returns made and the votes canvassed in the same manner as provided in the last three (3) sections; *Provided,* that the common council of said city shall, at any time, upon the written petition of thirty (30) or more legal voters and freeholders of said city, order that a special election be held in said city whereat the proposal to issue any bonds mentioned in this act or any act relating to the city of Waseca may be submitted to the legal voters of said city; *And provided further,* that special elections, called for the purpose of submitting the proposal to issue bonds provided for in this act or any act relating to the city of Waseca, shall be conducted by the common council of the city of Waseca, or a majority thereof, who shall be judges of such election, and notice of such election shall be given by the recorder of said city by posting such notice in three (3) public places in said city at least ten (10) days before such election, and by publication of such notice in the official paper of said city at least ten (10) days before such election. Such notice shall state the fact that such election has been ordered, the object thereof, the polling place for holding such election and the time when such election will be held; and the common coun-

cil shall also determine the manner of voting and conducting and canvassing the ballots cast at such election; and for such election the whole city shall constitute one (1) election district, and no other requirements than as in this section and by said common council designated shall be necessary to constitute a valid election for such purposes, and a majority vote of all the votes cast shall be sufficient to authorize the issuing of any such bonds.

SEC. 8. All elections shall be by ballot, and each ballot shall contain the name of each person voted for, with a proper designation of the office, and a plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such a manner as they shall direct.

SEC. 9. All persons entitled to vote for state or county officers, and who have resided in the ward where they offer to vote for ten (10) days immediately preceding such election, shall be entitled to vote.

SEC. 10. Each ward in said city shall constitute one (1) election district for all general elections, and the mode of conducting, canvassing and returning the results of such elections shall be in the manner provided by the general laws of the state of Minnesota for such elections, and the judges of election for such election districts shall perform such duties both in the conducting of elections and in the registration of persons entitled to vote, as are required by the general laws of the state of Minnesota applicable to general elections.

SEC. 11. Any officer who shall neglect, for one (1) week after his election, to qualify as such officer, or who shall remove from the city, or ward; if an alderman, shall be deemed to have vacated, his office, and any vacancy in the office of mayor shall be filled by special election, and any vacancy in any other elective office (except the office of judge of the municipal court) may be filled by the common council, and the person so elected by the common council shall hold his office until the next general city election, and the person then elected to fill the vacancy shall hold his office for the unexpired term.

SEC. 12. *Officers—Their Powers and Duties.*—The elective officers of the city shall be a mayor, judge of the municipal court, an assessor and constable, who shall be qualified electors of said city, and two (2) aldermen from each ward, who shall be qualified electors thereof.

The mayor and assessor shall hold their office for one (1) year and the judge of the municipal court, constable and aldermen shall hold their offices for two (2) years; *Provided*, that the official term of the present officers of said city shall not be changed by the passage of this act; *And provided further*, that the term of all offices, except to fill a vacancy, shall commence on the second (2d) Tuesday of April, and each officer shall hold his office until his successor is elected or appointed and qualified.

SEC. 13. The appointive officers shall be a recorder, treasurer, attorney, surveyor, street commissioner, marshal, and such other police officers as the common council shall designate.

They shall be appointed by the mayor, by and with the advice and consent of the common council, and shall hold their office for one (1) year, unless removed as hereinafter provided.

The recorder, treasurer, attorney, surveyor and street commissioner shall be removable at any time by the mayor, by and with the consent

of the common council, and the marshal, police officers and other appointive officers shall be removable at any time by the mayor.

**SEC. 14.** Every person elected or appointed to any office shall, before he enters upon the duties of such office, take and subscribe to an oath of office and file the same with the recorder, and the treasurer, judge of the municipal court, constable and street commissioner, and such other officers as the common council may direct, shall severally, before he enters upon the duties of his office, execute a bond to the city, in such reasonable sum as the common council may direct, not exceeding eight thousand dollars (\$8,000), conditioned for the faithful discharge of his duties, which bond shall be approved by the mayor and filed with the recorder.

**SEC. 15. Mayor.**—The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all the appointive officers discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous. He shall be chief executive officer and head of the police of the city, and may, from time to time, appoint as many temporary police officers as he may deem necessary, but such temporary appointments shall not continue for more than one (1) week without the consent of the council; he may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment, but such limited policemen shall not exercise any police authority nor wear any official badge outside of the limits named in such appointment. And in case of a tie vote in the common council upon any measure, when all the aldermen are present and voting, he shall be called in and may vote with the common council upon the question upon which the vote is a tie.

All ordinances and resolutions, before they take effect, shall be presented to the mayor, and, if approved, he shall sign the same, and such as he shall not approve he shall return to the common council with his objections thereto in writing, and if the common council, at their next meeting thereafter, shall pass the same by a vote of five-sixths ( $\frac{5}{6}$ ) of all the aldermen, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays which shall be entered in the records by the recorder.

If any ordinance or resolution shall not be returned by the mayor to the common council within five (5) days after it shall have been presented to him the same shall have the same effect as if approved by him.

**SEC. 16. Recorder.**—The recorder shall keep his office at the place of meeting of the common council, or such other place as the common council shall direct; he shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; he shall draw and countersign all orders on the treasurer authorized by the common council, and keep a full and accurate account thereof; he shall have power to administer oaths and take acknowledgments of deeds and other papers; he shall report the financial condition of the city whenever required by the common council, and shall keep a list of all outstanding bonds.

He shall report annually to the common council at such times as directed an estimate of the expenses of the city and the revenue necessary to be raised for the current year, and shall countersign all contracts made in behalf of the city. He shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city.

He shall receive and file chattel mortgages, and all chattel mortgages executed by residents of or upon property within the city shall be filed with him.

He shall perform such other duties as may be required by this act or the common council, and shall receive such compensation as the common council shall determine, not exceeding one hundred and fifty dollars (\$150).

SEC. 17. The attorney shall perform all professional services incident to his office, and, when required, shall furnish opinions in writing upon any subject submitted to him by the common council or mayor, and shall receive such compensation as shall be determined by the common council.

SEC. 18. The treasurer shall receive all moneys belonging to the city, including license money and fines, and pay out the same only upon orders signed by the mayor and countersigned by the recorder, and shall keep accurate and detailed account of all moneys received and paid out.

He shall make duplicate receipts from books provided for such purpose by the city for all moneys received by him, one of which he shall file with the city recorder and furnish one to the party paying the same. He shall exhibit to the common council, at least ten (10) days before the annual city election, or sooner, if required by them, a full and accurate copy of his accounts, which shall be filed with the recorder, and a copy thereof shall be published, at least four (4) days before the annual city election, in the official paper.

SEC. 19. The marshal and police officers shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and safety of the city, shall be under the direction of the mayor, and may serve all writs and processes whatsoever issued out of the municipal court of said city or by any justice of the peace of said Waseca county, and in addition to their others powers shall have and possess all the powers possessed by constables under the general laws of the state of Minnesota, and shall have power to pursue and arrest any person fleeing from justice in any part of the state, and the city marshal shall be *ex officio* chief of police of said city.

SEC. 20. *Street Commissioner.*—The street commissioner shall render his personal services and perform labor in repairing the streets of the city and, under the direction of the common council and mayor of said city, superintend the grading and improving of the streets and alleys and the building and repairing of sidewalks and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the streets and alleys and discharge the same duties as are by law imposed on overseers of highways by the general laws of the state of Minnesota.

SEC. 21. *Assessor.*—The assessor shall have and possess all authority, rights and powers and be governed by the general laws of the state of Minnesota relating to assessors generally, and upon the completion of the assessment roll he shall return the same to the common

council, who may alter, revise and equalize the same as they may deem just and proper, and said assessment so revised and equalized shall be final, subject only to the revision of the state board of equalization.

He shall receive such compensation as is by law provided for the payment of township assessors.

SEC. 22. The judge of the municipal court shall have and possess all authority, rights and power conferred by chapter two (2) of this act, and in addition thereto shall have and possess power, in all criminal actions within his jurisdiction when the punishment is by imprisonment or by imprisonment in default of the payment of fine, to sentence any offender to hard labor in any workhouse established by the city for that purpose, or in case of male offenders to sentence them to hard labor on any public work or improvements in said city in like manner and under like qualifications as hereinafter provided. In cases of offenses against city ordinances and in all prosecutions for criminal offenses, whether against the laws of the state or the ordinances of the city, he shall have power, in addition to the fines and punishments imposed, to compel such offenders to give security to keep the peace or be of good behavior for a period of not exceeding six (6) months in any sum not exceeding five hundred dollars (\$500).

All fines collected for offenses committed within the city shall belong to and be a part of the finances of the city, and as soon as collected shall be paid over to the city treasurer.

All criminal prosecutions for the violation of any city ordinance, by-law or resolution shall be conducted in a summary manner before the judge of the municipal court, in which the "City of Waseca" shall be plaintiff and the accused the defendant, and in all convictions for any such violation the offender may be punished by fine or imprisonment, or both fine and imprisonment, or as otherwise in this charter provided, in the discretion of the said judge, in accordance with the laws and ordinances of said city.

SEC. 23. The constable shall have all the powers, perform all the duties, be subject to the same liabilities and receive the same fees as a constable elected under the general laws of the state of Minnesota; *Provided*, that no person elected to the office of constable shall be appointed as marshal or other police officer.

SEC. 24. The surveyor shall keep his office in some convenient place in said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him.

All surveys, profiles, plans and estimates shall be the property of the city and shall be filed with the city recorder.

SEC. 25. The common council at their first (1st) meeting after each annual city election shall advertise for proposals to do city printing by giving such notice as they shall direct.

The bids received shall be publicly opened and read at such time and place as the common council shall direct, and the person offering to do such printing for the lowest sum in any newspaper published in said city shall be declared to be the city printer for the ensuing year, and all ordinances, resolutions, reports and other proceedings required to be printed shall be printed therein; *Provided*, that if no person shall offer to do such printing for a rate not greater than now provided by statute for legal advertisements, the common council may make such other provision for the city printing as it may see fit.

SEC. 26. The common council shall, from time to time, prescribe the duties and compensation of any other officer not provided for in this act as it may seem fit, and may prescribe any other duties in addition to those prescribed by this act to be performed by any officer except the mayor.

No officer elected or appointed under the provisions of this act shall be a party to or interested in any contract in which the city is interested while holding such office, and any contract made in violation hereof shall be void.

If any person, having been an officer of said city, shall not, within ten (10) days after notification and request, deliver to his successor in office all property, effects or records in his possession belonging to said city or the office he may have held, he shall be punished by a fine not exceeding one hundred dollars (\$100) upon conviction thereof.

The mayor and aldermen shall not directly or indirectly receive any compensation for their services as such officers; *Provided*, that any judge of election may receive such compensation as is provided by the general statutes.

SEC. 27. The mayor, aldermen, constable, marshal, all police officers and the sheriff and deputy sheriffs of the county of Waseca shall be officers of the peace and in a summary manner suppress all rioting and disorderly behavior within the limits of said city, and may arrest without warrant any person so conducting himself and may command the assistance of the bystanders, and any person resisting any officer of the peace in the discharge of his duties or neglecting or refusing to render assistance when so commanded shall be punished by a fine of not less than five (5) or more than one hundred (100) dollars.

SEC. 28. *The Common Council—Its Powers and Duties.*—The several aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Waseca do ordain."

The common council shall meet at such time and place as they shall direct, and four (4) aldermen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time; *Provided*, that no ordinance shall be passed or amended except by an affirmative vote of at least four (4) aldermen, or in case of a tie vote, of the mayor and three (3) aldermen.

The common council shall be the judge of the election of its own members, and in such cases and in all cases where the interests of the city are involved, shall have the power to compel the attendance of witnesses and the production of papers relating to any subject under consideration, and shall have power to call upon any proper officer of said city to execute such process. It shall determine the rules of its proceedings, and shall have power to compel the attendance of absent members.

The mayor or president of the common council may call special meetings by giving notice in writing to each member, to be delivered personally or left at his usual place of abode.

The common council shall annually, at their first (1st) meeting after the annual election, elect one (1) of their number as president, who shall preside at their meetings, and in case of the absence of the mayor from the city, or inability to act, or vacancy in the office of mayor, he shall perform the duties of mayor, except that he shall not approve of ordinances or have power to veto any ordinance.

**SEC. 29.** The common council shall have the management and control of the finances and all the property of the city, and also have full power and authority to make, enact, ordain, establish, publish, enforce, alter, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance and the prevention of crime as they shall deem expedient, and they shall have power to establish and maintain a city prison; *Provided*, that it shall be the duty of the sheriff or jailer of Waseca county to take into custody and safely keep in the common jail of Waseca county all persons committed thereto by the municipal court of said city until discharged according to law.

The common council shall have power to impose fines and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance or by-law ordained by them, and all such by-laws, ordinances and rules are hereby declared to have the force of law, and for these purposes said common council shall have authority by ordinance:

*First*—To license, tax and regulate the exhibition of common showmen and shows of all kinds, and all places of public amusements, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license, tax and regulate auction and auctioneers, bootblacks, milkmen, hawkers and peddlers, omnibuses, omnibus lines and omnibus drivers, hotels and hotel runners, porters, second-hand stores, junk stores and all persons pursuing like or similar occupations, pawnbrokers, laundries and laundrymen, billiard tables, pool tables, bagatelle tables, pigeon hole or other tables or implements, shooting galleries, nine or ten pin alleys, bowling saloons, victualing houses and restaurants, and to license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquors, and to determine the amounts to be paid for such licenses; *Provided*, that in granting licenses for the sale of such liquors the said common council shall comply with whatever general laws of the state are in force relative to the same; *Provided*, that the recorder's fees for issuing such licenses shall in no case exceed two (2) dollars.

Any license issued by the authority of the city council may be revoked by the mayor at any time, and upon a second (2d) conviction before the municipal court of any person holding a license, for a violation of the provisions of any ordinance relating to the exercise of any right granted by said license, the said court may revoke said license in addition to the penalties provided by law or by ordinance for any such violation.

*Second*—To restrain and prohibit all description of gambling and fraudulent devices and practices and all playing of cards, dice or other games of chance for the purpose of gambling in said city or amusement in public places in said city, and to authorize and require the destruction of all instruments used for the purposes of gambling in said city, and to suppress and prohibit all games of chance.

*Third*—To prevent riots and disorderly assemblages in said city; to regulate and suppress bawdy and disorderly houses, houses of ill-fame or assignation, and to punish any person or persons maintaining, visiting or frequenting any disorderly house or house of ill-fame in said city; to suppress gaming and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaining or ob-



taining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

*Fourth*—To prevent horse racing and immoderate riding or driving within the city, to prohibit and prevent the abuse of animals, and to compel persons to fasten their horses or other animals while such animals are standing on the streets.

*Fifth*—To regulate and prohibit the running at large of horses, cattle, asses, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to provide for the proceeds of the sale, and to impose penalties upon the owners of the same for a violation of any ordinance in relation thereto; also to regulate the penning, herding and treatment of all animals within said city.

*Sixth*—To prohibit and prevent the running at large of dogs, and shall have power to license the same and authorize the destruction of the same in a summary manner, when at large contrary to ordinance, and may impose penalties upon the owners of dogs for the violation of any such ordinance.

*Seventh*—To license and regulate hackmen, draymen, expressmen and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor; to prescribe standing places or stations within the streets or public places where such hacks, drays and other vehicles, used for such carriage, may stand or remain while waiting for business or orders, and to designate such standing or waiting places in the licenses to such draymen, hackmen or other persons, and to prohibit them from standing or waiting at any other place within such streets and public places, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor, city marshal, or any police officer of said city, to regulate and direct the location of vehicles at such railroad depots or stations.

*Eighth*—To establish and construct public pounds, pumps and wells, cisterns, reservoirs and hydrants; to erect lamps, and provide for the lighting of the streets, public grounds and public buildings of the city.

*Ninth*—To establish boards of health and prescribe their duties, and the duties of health officers; to make regulations for controlling contagious diseases; to do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within the city. To provide for the appointment, by the board of health, of sanitary inspectors, who shall have full power to enter any house in the daytime for the purpose of inspecting the sanitary condition of said house.

*Tenth*—To regulate or prevent the discharging of firearms or fire-crackers, and the exhibition of fireworks within the city.

*Eleventh*—To prevent drunkenness, noises, disorderly conduct, affrays, brawling or obscenity, lewdness and indecency, in the streets, alleys, places of business or places of public resort within the city.

*Twelfth*—To establish, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks and crossings, and to prevent and punish any person doing any damage to or obstructing the same; to provide and regulate the erection of hitching posts or rings for fastening horses

or other animals, or prohibit their erection, in any portion of said city, in its discretion; to regulate the opening of hatchways, and may compel proper guards to be placed about the same.

*Thirteenth*—To remove and abate any nuisance injurious to the public health; to regulate or prohibit the slaughtering of animals within the city, and do all acts and make all regulations with regard to the health and cleanliness of the city, by causing filth to be removed from the streets, lots, alleys or buildings in said city, or, if necessary for purposes of health and cleanliness, to remove the buildings themselves; to control and regulate the construction, maintenance and cleansing of privy vaults within said city, and to prevent the depositing of any kind of filth or offal within the limits of said city, and to provide for the punishment of all persons violating the ordinances in relation thereto.

*Fourteenth*—To remove and abate every nuisance, obstruction and encroachment upon the streets, alleys, public grounds and highways of said city, and compel the owners or occupants of any lot within the city to remove snow, dirt or rubbish from the sidewalks adjoining the same, and to compel the owners of low grounds where water is liable to collect and become stagnant to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

*Fifteenth*—To direct, regulate and encourage the planting and preservation of ornamental trees in the streets, alleys and public grounds of the city, and to provide for the protection of all lamp posts, hydrants, wells, windmills, public buildings and other public or private property in the streets, alleys and public places in said city, and to punish any person or persons guilty of defacing, marring, mutilating or otherwise injuring any such property.

*Sixteenth*—To restrain and punish vagrants, mendicants, street beggars and tramps.

*Seventeenth*—To cleanse, alter, repair and fill up any private drains and sinks, privies or other places which tend to breed distemper or disease, and cause the expense thereof to be assessed to the lot on which the same may be.

*Eighteenth*—To impose punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred (100) dollars, and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both; and may provide that the offender, during such imprisonment or any part thereof, be fed on bread and water, at the discretion of the judge of the municipal court. The city council may also provide by ordinance that any one convicted of any offense before the municipal court, subjecting such offender to imprisonment under the ordinances of said city, may be sentenced to and kept at hard labor in any workhouse established for that purpose, or, in case of a male offender, may be sentenced to and kept at hard labor in such workhouse or upon the public improvements or work of said city, or all of them; and may also provide by ordinance that any one convicted of an offense before said municipal court, and committed upon non-payment of fines and costs imposed, may be kept at hard labor in any workhouse of said city aforesaid, or, in case of a male offender, may be kept at hard labor either in such workhouse or upon the public improvements or work of said city, or all of them, until such person shall work out the amount of such fine and costs, at such

rate of compensation as said common council may prescribe, and for a time not exceeding said commitment; and the city council shall have full power to establish by ordinance all needful rules and regulations for the secure custody of such persons thus employed, and to prevent escape and secure proper discipline, and shall have power to purchase, establish, construct or lease a proper workhouse in said city or within one (1) mile of the limits thereof for the purposes aforesaid, and under such regulations as said city council may prescribe; *Provided*, that said city council is hereby authorized to use the county jail of Waseca county as the workhouse of said city of Waseca as provided for in this act, upon payment by the city to the county of such sum per day or week, for the board of such prisoners and care thereof, as may be agreed upon by and between the said city council and the board of county commissioners of said county, the prisoners of the city to be in the custody of the sheriff of Waseca county when they shall not be under the control of the police force of said city; *And provided further*, that the judge of the municipal court of said city shall have power, for vagrancy, to commit any person convicted thereof to the city prison, workhouse or county jail, and to order any such male person to work on the public improvements or at any work of said city, for a term not exceeding ninety (90) days.

*Nineteenth*—To provide for the sprinkling of streets of said city, whenever it is deemed necessary for the preservation of health and the promotion of the comfort of the inhabitants thereof.

*Twentieth*—To provide for the improvement, care and ornamentation of all public parks, boulevards and driveways within the limits of said city.

*Twenty-first*—To direct the location and regulate the use and construction of breweries, distilleries, creameries, cheese factories, livery stables, blacksmith shops and foundries within the limits of said city, and to regulate and prohibit the keeping of any lumber yard and the placing or piling of any timber, wood or any other combustible material within the fire limits of the city.

*Twenty-second*—To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue or suffer nuisances to exist.

*Twenty-third*—To provide for the cleansing and purification of waters, water courses, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

*Twenty-fourth*—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for the place and manner of selling the same in any manner not inconsistent unto the general laws of the state.

To regulate the sale of bread, and prescribe the weight and quality of bread in the loaf.

To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, tobacco, flour, meal and other provisions.

To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise.

*Twenty-fifth*—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroad; to compel such railroads to raise and lower their tracks to conform to any grade which

may, at any time, be established by said city, and where such tracks run lengthwise of any street, alley or highway, in said city, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on said street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

*Twenty-sixth*—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awning, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements, and to prevent the incumbering of streets, alleys, sidewalks, lanes and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substances whatever.

*Twenty-seventh*—To regulate the numbering of houses and lots; to name and change the name of any street, avenue, alley or other public place.

*Twenty-eighth*—To provide for and change the location, grade and crossings of any railroad, and may require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

*Twenty-ninth*—To regulate or prohibit the whistling of locomotive engines; to regulate and prohibit the unnecessary discharge of steam therefrom, and the causing or permitting of steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances as it may designate, for the purpose of preventing or lessening the noise from the discharge or the escape of steam, and shall have power to regulate the speed of cars and locomotives within the limits of said city.

*Thirtieth*—To regulate or prohibit the location and use of such steam boilers in size and construction as it may designate as being dangerous to life and property, and to prohibit the location of any such steam boilers, except when permission therefor is first given by the common council specifying the location and prescribing the regulation for its use.

*Thirty-one*—The common council may by ordinance confer upon the mayor power and authority to grant and revoke any license in the name of the city, and to do any act which the common council is authorized to do in the premises, except that power shall not be granted to the mayor to grant licenses for the sale of intoxicating liquors.

SEC. 30. All ordinances, resolutions and by-laws shall be passed by an affirmative vote of not less than four (4) of the members of the common council present and voting by yeas and nays (except as provided in section twenty-eight (28) of this chapter), and all ordinances and

by-laws and such resolutions as this act specifically requires shall be published once in the official paper before the same shall be in force, and they, together with all regulations, shall be recorded by the city recorder in books provided for that purpose, and such record shall be *prima facie* evidence of the validity of such ordinance, resolution or by-law without further proof, and shall be notice to all persons interested.

SEC. 31. The power conferred upon the common council to provide for the abatement of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SEC. 32. The common council shall examine, audit and adjust the accounts of the recorder, treasurer, street commissioner, judge of the municipal court and all other officers and agents of the city at such time as they may deem proper, provided it be done before the time for which the officers of said city were elected or appointed shall expire, and the common council may require each and every officer and agent to exhibit the books, accounts and vouchers for such examination and settlement; and if such officer or agent shall refuse to comply with the order of the council in pursuance of this section, it shall be the duty of the common council to declare the office of such person vacant, and the common council may institute proceedings at law against any officer or agent of said city found delinquent or defaulting in his accounts.

SEC. 33. *Finance and Taxation.*—The common council shall have power to levy upon all property, real and personal, in said city, except such as is by law exempt from taxation, taxes for the support of the city government, to purchase grounds, erect, lease or repair buildings for city purposes, to pay the salaries of the officers of said city and the general incidental expenses of said city; but, the amount raised for the above purposes by taxation in any one year shall not exceed three (3) mills on the dollar of the assessed value of such taxable property; *Provided*, that the common council may, in their discretion, expend any portion of the general fund for the improvement of the streets of said city or upon the highways without and leading into said city, and in addition to the above rate, the common council may levy taxes sufficient to pay the principal or interest of any bonded indebtedness now existing or incurred in pursuance of this act as it may fall due; *Provided*, that nothing herein shall be construed as limiting the levying of special assessments as provided in this act.

SEC. 34. The common council shall cause to be transmitted to the auditor of the county of Waseca, on or before the first (1st) day of October in each year, a statement of all taxes by them levied, and such taxes shall be extended, collected and enforced with and in like manner as state and county taxes are extended, collected and enforced, and the treasurer of said county shall pay such taxes over upon their apportionment to the treasurer of said city, and no taxes shall be invalid by reason of informality in the manner of levying the same.

SEC. 35. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and only upon orders signed by the mayor and recorder and specifying the purpose for which they were drawn, and the treasurer shall immediately, upon payment, cancel and preserve such orders as vouchers for settlement with the city.

**SEC. 36. *The City shall Constitute One Road District.***—The common council shall issue a warrant to the street commissioner containing the whole amount of highway labor and taxes assessed and levied within the city, which warrant shall be returned and filed with the city recorder within the time prescribed by the laws of this state, together with a correct and detailed report of all moneys collected on said warrant and of all moneys expended by him.

The general laws of this state shall apply to the levying, warning, working, suing for and collecting highway taxes and returning such delinquent taxes in all respects, except as otherwise herein expressly provided.

**SEC. 37.** The common council, in addition to taxes herein provided, shall have power to assess and levy highway labor and taxes, and shall be governed and regulated in the amount so levied by the laws applicable to the supervisors of towns in this state in levying highway labor and taxes, and shall have full power to direct the street commissioner when, where and how to expend such labor and tax and to remove him for a willful violation of his duties.

**SEC. 38. *Public Improvements.***—The common council may order sidewalks to be constructed in front of and along any one or more lots or parcels of land in said city at the expense of such lot or parcel of land, upon the petition of not less than six (6) legal voters and householders residing within one-half ( $\frac{1}{2}$ ) mile of some portion of the sidewalk petitioned for; which petition shall be in writing and describe the lots or parcels of land to be affected thereby. Whenever any such petition shall be received by the common council, the common council shall fix and enter upon the records a time and place when and where such petition will be acted upon, which time shall not be less than ten (10) days nor more than twenty (20) days from the date of the reception of such petition, and shall give notice to all persons owning or claiming an interest in or lien upon such lot or parcel of land, and to all persons interested in the ordering of such sidewalk, of the reception of such petition and of the time and place when and where such petition will be acted upon, by publishing a notice thereof in the official paper of the city two (2) successive times, the last of which publications shall be at least two (2) days before the day of hearing; and in such notice the several lots or parcels of land shall be described with reasonable certainty. Upon such notice being given the common council shall have jurisdiction to order such sidewalk constructed at the expense of each lot or parcel of land upon which such sidewalk is ordered and to enforce the construction thereof as hereinafter provided. The common council shall meet at the time and place so fixed, and shall hear all reasons for or against the ordering of the construction of such sidewalk, and may adjourn from time to time; and after such hearing, if the common council determine that the public convenience will be promoted by the building of such sidewalk, and that the expense is not disproportionate to the benefits conferred, the common council shall order such sidewalk to be constructed at the expense of each lot or parcel of land upon which it is to be constructed, and in such order shall determine the materials of which it shall be constructed, its width and any other necessary specifications for the building of the same, and also the time within which such sidewalk may be constructed by the owner of the lot or parcel of land affected thereby, which time shall not be less than twenty (20) days.

Such order shall be published once in the official paper of the city of Waseca, at least ten (10) days before the time expires within which such sidewalk may be constructed by the lot owner. If such sidewalk so ordered, or any portion of the same, be not constructed by the owner within the time specified in such order, the common council shall cause the same to be built by and under the direction of the street commissioner. The street commissioner shall keep an accurate account of the cost of building the same upon and over each lot or parcel of land and shall forthwith report the same to the common council. After receiving such report the common council shall assess the cost of such sidewalk over each lot upon each lot separately and may assess the costs of publication of the notice and order hereinbefore mentioned, in equal amounts, upon each lot separately, and the amount so assessed shall thereupon become a lien upon such lot or parcel of land; and at or before the time required by law for reporting to the county auditor of Waseca county the taxes levied for that year, the recorder shall certify the amount of such special assessments and the lots or parcels of land affected thereby to said county auditor, and thereupon it shall be the duty of said auditor to extend such special assessment against such lot or parcel of land in the next annual tax duplicate, and the same shall be collected and paid over in the same manner as other taxes on real property; *Provided, however*, that in all cases the common council may order that a portion of the cost of such sidewalk over any one or more parcels of land shall be paid from the city treasury, and whenever the city council of said city shall deem it necessary that any sidewalk in said city shall be constructed or reconstructed, and for the construction or reconstruction of which no petition has been received, it shall have power by resolution to direct such construction or reconstruction, specifying the width thereof and the materials of which the same is to be constructed, and such resolution shall be published once in the official paper of the city, and notice thereof shall be served by the street commissioner on the owner of the lots or parcels of land along which such sidewalk is to be built, in the same way and manner as provided in section thirty-nine (39) hereof for the giving of notice when sidewalks become out of repair; and when the owner or owners of any such lots shall not be residents of the city notice shall be given by publication, as is provided in said section thirty-nine (39) to construct the same, and unless such owners shall, each along his respective land, construct and fully complete such sidewalks within two (2) weeks after the service of notice of such resolution as aforesaid, the street commissioner shall at once proceed to lay said sidewalk, and after said sidewalk shall have been laid by the street commissioner the city council shall forthwith proceed to assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front.

Such costs shall be returned and such assessments shall be collected in the same way and in all things as is provided for the collection of special assessments under the provisions of this section.

SEC. 39. Any sidewalk heretofore or hereafter constructed, and suffered by the land owner to remain in front of or along any lot or parcel of land in said city, that shall become out of repair and be deemed dangerous by the common council, whether such sidewalk shall have been constructed under the order of the common council or not, the common council shall cause the street commissioner to

notify the owner or occupant of such lot or parcel of land to repair the same, in such manner as the common council may direct, within four (4) days from the date of giving such notice; such notice shall be in writing and be served by copy upon the owner or occupant; and if the lot or parcel of land be unoccupied and the owner be not a resident of the city, then such notice shall be given by publishing the same one (1) time in the official paper of the city. The owner or occupant of such lot or parcel of land may, within two (2) days, petition the common council for a rehearing upon such order by filing a petition therefor with the recorder. If such repairs are not made and if no petition for rehearing has been filed the common council shall, after the times herein limited, order such repairs to be made by the street commissioner; and the costs of such repairs shall be kept and returned by the street commissioner, and a special assessment of such cost shall be made by the common council, and such special assessment shall be certified by the recorder to the county auditor and extended by the county auditor on the tax duplicates, and the amount collected and paid over as provided in section thirty-eight (38) hereof for a new sidewalk.

SEC. 40. Sewers or gutters may be constructed by the city on petition of the majority of the property owners along the line of the proposed sewer or gutter, and the expense thereof shall be apportioned by the common council among the lots or parcels of land along or through which the same may be constructed, in proportion to the benefit of the same to such lots or parcels of land.

When any such petition is received, if the same be accepted by the common council, notice shall be given to all persons interested when and where the common council will meet to hear and determine on such petition, by publication for one (1) week in the official paper, and such notice shall briefly recite the substance of such petition and in general terms give the character of such improvement and a description of the lots or parcels of land along or through which the same is proposed to be constructed, and upon such notice being given the common council shall have jurisdiction to construct said sewer or gutter and to levy special assessments for the same.

SEC. 41. The common council may cause to be established from time to time, under the direction of the city surveyor of said city or county surveyor of Waseca county, the grade of the streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city recorder, and shall have power to cause all sidewalks to conform to the grade as established; and if the owners or occupants of lots fronting on the same shall not, after notice and within such time as it may direct, cause the same to conform to such established grade, shall order the same to be done by the street commissioner at the expense of the lots fronting on the same.

SEC. 42. The common council of said city shall have the care, supervision and control of all the highways, bridges, streets and alleys and public grounds within the limits of the city, and shall have power to build and keep in repair bridges and the approaches to the same, lay out, open, vacate and alter highways, streets, lanes and alleys, and widen and straighten the same; *Provided*, that any street, alley or highway within said city may be built, altered or vacated in the same manner as a highway in a town, under the laws of the state,



excepting the petition for such building, vacating or altering such street, alley or highway shall be made by not less than six (6) freeholders and residents of said city.

SEC. 43. Whenever the common council shall determine to lay out or open new streets or alleys in said city or to widen, straighten or extend any that now or may hereafter exist, or for the purpose of drainage, construction of bridges or making necessary public improvements, or for the protection or preservation of the health of the people and the improvement of the sanitary condition of the city, shall determine to enter upon any tract of land and raise or lower any lake or other body of water within said city, or maintain any lake or other body of water heretofore raised in the condition it now is, or raise the waters thereof to a greater height, or change the course of or divert the waters of any stream or ditch or drain, or to construct any new drain or sewer within the limits of said city, or shall determine to establish parks or parkways, or whenever they shall determine to take private property or any interest or easement therein for any other public purpose, they shall have power to and may proceed in the manner hereinafter provided.

The common council upon ordering an improvement above mentioned to be made, or ordering that any such improvement heretofore made may be maintained in its present condition, or that any private property shall be taken for public use, shall appoint as many commissioners as there may be wards of said city, selecting one (1) from each ward, who shall be a disinterested freeholder and qualified voter of said city, to view the premises and assess the damages which may be occasioned by the taking of private property or otherwise in making said improvement. Said commissioners shall be notified as soon as practicable, by the city recorder of said city, to attend at his office at a time to be fixed by him for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid he shall forfeit and pay a fine to said city not exceeding fifty (50) dollars, and shall be liable to be prosecuted therefor before the municipal court of said city as in the case of fines imposed for a violation of an ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner, to be selected from the ward not represented and possessing the qualifications aforesaid. In all other cases of vacancy the common council shall fill such vacancy.

The commissioners shall be sworn by the city recorder to fully discharge their duties as commissioners in the matter with impartiality and fidelity and to make due return of their actions and doings to the common council, which commissioners shall receive such compensation as the common council may prescribe, not exceeding four (4) dollars per day.

The said commissioners shall, with all reasonable speed, with the assistance of the city surveyor of said city or the county surveyor of said county of Waseca, cause a survey and plat of the proposed improvement to be made and filed with the city recorder, exhibiting, as far as practicable, the land or parcels of property required to be taken or which may be damaged thereby; and shall thereupon give notice by publication in the official newspaper of said city, for at least ten (10) days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them,

and thence proceed to view the premises and assess the damage for property so to be taken or which may be damaged by such improvement.

At the time and place according to said notice, the said commissioners shall view the premises and may hear any evidence or proof offered by the parties interested, and may adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto as well as the advantages which will accrue to such owner or owners in making such improvement.

If there should be any building standing, in whole or in part, upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid the owner or owners thereof, in case such building, or so much thereof as might be necessary, should be taken, and shall also determine and assess the amount of damages to be paid such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings aforesaid shall be assessed separately from damages in relation to land upon which they are erected.

If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such person or interest respectively may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

The said commissioners, having ascertained and assessed the damage aforesaid, shall make and file with the city recorder a written report to the common council, embracing a schedule of assessment of the damage in each case, with a description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceedings.

Upon such report being filed in the office of the city recorder, said city recorder shall give at least ten (10) days' notice, by publication in the official paper in said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council at a meeting thereof, to be named in said notice, unless objections are made in writing by persons interested in any lands to be taken. Any persons interested in buildings standing in whole or in part upon any land required to be taken for such purpose shall, on or before the time specified in such notice, notify the common council, in writing, of their election to remove such buildings, according to the award of the commissioners. The common council, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise or annul the assessment, giving due consideration to any objection interposed by parties interested.

The damages assessed shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within six (6) months from the confirmation of such assessment and

report; and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner thereof, or his agent or attorney; or deposited and set apart for his use as aforesaid. And in case the city should be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court of the county of Waseca, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claim thereto.

In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the common council may allow for such purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to move the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon the payment or depositing of the damages awarded for such taking, in manner and form aforesaid, may then be taken and appropriated, sold or disposed of, as the common council may direct, and the same or the proceeds thereof shall belong to the city.

When any owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the district court of Waseca county, or in his absence the judge of any court of record, may, upon application of said commissioners or of said city, or of such party or his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served upon such guardian.

Any person feeling himself aggrieved by such assessment may, by notice in writing served upon the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of Waseca county within twenty (20) days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required; and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objection than those specified considered; and a transcript of such report, certified by the city recorder, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules and in all respects as appeals from the municipal court of said city of Waseca in civil actions; *Provided*, that nothing herein contained shall be construed as limiting the powers of the common council to lay out, alter, vacate or widen any street or highway within the corporate limits of said city in the way and manner mentioned in section forty-two (42) hereof; *Provided further*, that the damages sustained by reason of laying out, opening or altering any

road, street or alley may be agreed on in the same manner as in a town under the general laws of the state of Minnesota, and the state laws shall apply in all respects in relation to appeals, the release of damages and fixing and assessing thereof by the common council, except the recorder is substituted for the town clerk and the common council for the supervisors, and all such damage and repairs shall be paid out of the general fund of the city.

**SEC. 44. *Fire Department.***—The common council for the purpose of guarding against fire shall have power to prescribe the limits within which wooden buildings, or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, or wooden sidewalks, shall not hereafter be erected or constructed, placed or repaired, and direct that all or any such buildings and sidewalks within the limits prescribed shall hereafter be built and constructed in such manner and of such material as in the judgment of the council shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damage, and shall have power to prescribe in what manner and of what material chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in secure condition when considered dangerous; also, to compel owners of buildings to have scuttles in roofs and stores, and ladders to the same, and to compel the owners of buildings of three (3) or more stories in height to maintain ladders or fire escapes, and to regulate the construction, number and location thereof; to regulate the location and construction of smoke houses, and to prohibit them where they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire or to prevent the spreading of fire which the common council may deem proper.

The common council shall have power by resolution to order any building, structure or materials therefor, hereafter erected or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of said city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of such notice given, to order the same taken down and removed by the police or in such manner as the common council may see fit; and the common council may prescribe penalties for the violation of any of the provisions of this section, or any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by the judge of the municipal court upon complaint of any citizen.

**SEC. 45.** The common council shall have power to prohibit the deposit of ashes or any inflammable, combustible or explosive material in unsafe places, and the throwing of ashes or any such combustible or inflammable material into the streets or alleys; to regulate the carrying on of manufacturing dangerous in causing fire, and the storage of burning oils, gunpowder, dynamite and other explosive or inflammable

materials; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the protection of property exposed to danger thereat, and generally to establish such regulations for the extinguishment of fires as the common council may deem expedient.

SEC. 46. The common council shall have power to form fire engine, hook and ladder and hose companies, and to provide for their proper support and the regulation of the same, and to order such companies to be disbanded, their public meetings to be prohibited and the apparatus given up.

Every member of such company which may be authorized to be formed shall be exempt from highway work or poll tax, from service on juries and military duty during the continuance of such membership.

SEC. 46a. The mayor, by and with the consent of the common council, shall have power to appoint the chief of the fire department, and also one (1) fire warden in each ward, and to authorize such wardens to enter any place for the purpose of inspection.

SEC. 47. Whenever any person shall refuse to obey any lawful order of the chief of the fire department or the foreman of any company of the same, fire warden, mayor or alderman at any fire, it shall be lawful for those officers giving such orders to arrest or direct orally any constable, police officer or any citizen to arrest such person and confine him temporarily in any safe place until such fire be extinguished, and in the same manner such officer or any of them may arrest or direct the arrest of and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to be punished therefor by a fine of not more than one hundred (100) dollars or by imprisonment not exceeding ninety (90) days.

SEC. 48. *Bonds for Electric Lights and Water Works.*—Said city is authorized to issue its bonds, in any sum not exceeding thirty (30) thousand dollars in the aggregate, bearing interest not to exceed six (6) per cent per annum, with interest coupons attached, payable annually or semi-annually, said bonds to be made payable not exceeding twenty (20) years from date thereof, for the following purposes, or either or both of them, viz.: 1st—For constructing and putting in operation water works for the use of said city and for the private use of the inhabitants thereof; 2d—For constructing and putting in operation a system of electric lighting for said city and for the private use of the inhabitants upon such terms and conditions and upon payment of such sums for such private use thereof as may be prescribed by the common council of said city; *Provided*, that no such bonds shall be issued by the authorities of said city except when duly authorized by a resolution of the common council adopted by a majority vote polled at any city election called for that purpose, or whereat the question has been duly submitted to the legal voters of said city. And the common council shall have power to call special elections for such purpose.

Said bonds when issued shall be prepared under the direction of the common council, who shall determine the number and amounts thereof.

They shall be signed by the mayor and attested by the city recorder of said city, who shall affix the seal of said city thereto.

The common council shall have power to purchase fire engine and all other apparatus which may be required for the extinguishment of fires, and may construct reservoirs and cause water mains and pipes to be laid in any and in all streets, alleys, highways or public grounds of said city, with a view to the extinguishment of fires and for the purpose of furnishing or supplying water for the use of the inhabitants of said city. Said common council may also, when authorized by a vote of said city, as aforesaid, purchase or erect or lease such buildings, machines and apparatus within said city as may be necessary and proper for the production and transmission of electricity for the purpose of lighting, heating and furnishing power for the use of said city and for the private use of the inhabitants thereof, and may place the necessary poles, wires and operating fixtures within the streets, alleys, avenues and public grounds of said city for the purpose of constructing and transmitting said electric light, power and heating. And the said city council shall have the power to make and adopt all needful or proper ordinances, rules and regulations for the construction, management, furnishing, leasing and protection of said water works or electric light plant works, and for the collection of fees or rents for the use thereof. And whenever the common council shall determine to extend any water works and lay any water mains in addition to those originally laid they may, if they so determine, assess the costs of constructing and laying said water mains by special assessment upon abutting property, and such special assessments when made shall be returned to the county auditor and collected in the same way and manner as other special assessments under the provisions of this act.

SEC. 49. Whenever, in the construction, enlargement or extension of water works, it shall, in the judgment of the city council, be necessary to take private property, consisting of lands, buildings, water power or other private property, the city council shall have power to acquire the same by purchase or condemnation in the manner provided in section forty-three (43) of this charter, and in such cases of condemnation as well as purchase, a full title in fee simple for the property shall vest in said city. *Provided, however,* that in case of a purchase or condemnation of private property for laying water mains where the said city council may deem it best only to obtain the right to lay and maintain said water mains over, across or through private property, said city council may either purchase or condemn the right simply to lay, construct or maintain said water mains and necessary appendages thereto across, over or through any private property, giving the owner thereof the right to the use of the surface of said land except at such times or places as the common council may find necessary to enter upon, dig or disturb said surface for the purpose of laying or relaying, constructing, or reconstructing or repairing, any such water mains, and the deed of purchase in such case, or the judgment of the court in case of condemnation, shall define the rights of said city or the common council thereof as well as the land owner therein.

SEC. 50. *Intoxicating Liquors.*—The sale of intoxicating, vinous, spirituous, malt or fermented liquors within the limits of said city is and shall be under the exclusive control of the common council, and

license money and all fines imposed by any court for a violation of any ordinance or any provision of this act regulating such traffic shall be paid into the treasury of the city for the use thereof.

SEC. 51. All licenses for the sale of such liquors shall expire on the thirtieth (30th) day of June in each year, and no license for the sale of such liquors shall be given for a shorter time than from the date of application to the first (1st) day of July following.

SEC. 52. Any person desiring a license for the sale of liquors within said city shall apply therefor to the common council and at the same time present his bond with two (2) or more sureties, in such sum and conditioned as the common council may by ordinance direct, and if said person be deemed a suitable person and said bond is approved by them the common council shall order such license to be issued by the recorder.

The recorder shall not issue such license until the person so applying shall produce the receipt of the city treasurer showing the payment to him by the person so applying of the amount fixed by the common council to be paid for such license.

The common council may by ordinance make any regulations necessary and proper for the carrying out of this section and punishment of the persons violating the same; *Provided*, that they be not repugnant to the general laws of this state.

SEC. 53. The qualified voters of said city may decide for themselves whether license shall be granted to any person for the sale of such liquors.

The recorder is hereby required, on petition of ten (10) or more legal voters of said city, at any time not less than fifteen (15) days before any annual city election, to give notice that the question of license will be submitted at said election.

Notice thereof shall be given by the recorder at the time and in the manner that notice of said election is given, and said question of license shall be determined by ballots containing the words "In favor of license," or "Against license," as the case may be.

The vote shall be canvassed and returned as is by law provided for canvassing the returns of such city elections, and if such returns show that a majority of the votes cast at such election shall be against license, then the common council shall not grant any license for the sale of such liquors in said city during the ensuing year.

In case the legal voters of said city determine, as provided in the last section, that no license for the sale of such liquors shall be granted, any person who shall thereafter sell, barter or dispose of any such liquors within said city, during the ensuing year, shall, upon conviction thereof, be punished by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars for each offense.

SEC. 54. *Miscellaneous Provisions.*—No vote of the common council shall be reconsidered or rescinded at a subsequent meeting unless there be present as many aldermen as were present when the vote was taken.

SEC. 55. No fine or judgment recovered by the city shall be remitted or discharged except by a vote of the common council and with the approval of the mayor.

SEC. 56. Fines and punishments ordained by the common council for the breach of any ordinance, by-law or resolution may extend to a fine not exceeding one hundred (100) dollars, or imprisonment in the

county jail of Waseca county or city prison of said city, or commitment to the workhouse or to labor on any public work or improvement in said city, as provided in section twenty-nine (29) hereof, not exceeding ninety (90) days, or both fine and imprisonment, in the discretion of the judge of the municipal court; and in all cases of the imposition of any fine by the judge of the municipal court, for the punishment of any offense committed within the limits of said city, the offender shall be forthwith committed to the city prison, workhouse or the county jail, as the judge of the municipal court may direct, and be there imprisoned or set to work for a time fixed by the said judge of the municipal court, not exceeding ninety (90) days, unless such fine be sooner paid, and from the time of arrest until the time of trial the person arrested may be imprisoned in the city prison or county jail. The county jail referred to in this act in all cases refers to the county jail of Waseca county.

SEC. 57. No action shall be maintained against the city of Waseca on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, or to recover for damage or injuries arising in any other manner, unless such action shall be commenced within six (6) months from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city attorney thereof, within thirty (30) days after the occurrence of such injury or damage, stating the place where and the time when such injury was received and that the person so injured will claim damages of the city for such injury. But the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason. Nor shall any action be maintained for any defect in any street until the same shall be graded, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built. And whenever any action shall be commenced against the city, service of the summons shall be made upon the mayor or acting mayor personally, who shall forthwith inform the common council of the same.

SEC. 58. The city of Waseca is hereby declared to be the legal successor of the village of Waseca, and shall own and possess all public property of every name and nature within the limits of said city (except such as is owned by said Waseca county), and any rights vested in or property belonging to the former village of Waseca shall vest in and belong to the said city of Waseca.

SEC. 59. The common council may, from time to time, provide for the compilation and publication by said city of the city charter, ordinances and such resolutions as they may designate, and for the distribution and sale of copies of such compilation in its discretion, and may also provide for the exchange of such compilation for similar publications of other cities; but all such compilations shall be made under the supervision and control of the city attorney of said city.

SEC. 60. No law of this state shall be construed as repealing, amending or modifying this act unless such purpose be expressly set forth in such law.

SEC. 61. The city shall constitute (1) one commissioner district for the county of Waseca, and the county commissioner so elected shall hold his office under the same terms, conditions and duties as the other members of the board of county commissioners of said county, but in all respects not otherwise provided in this act the territory and inhab-



itants of said city shall be and remain a part of the county of Waseca, and be subject to the same rights and liabilities as if this act had not been passed.

SEC. 62. The city shall constitute one (1) school district under the general laws of this state relating to independent school districts, and the government and management of said school district shall be as provided by such law.

The board of education of such district shall, among other things, have full power to prescribe courses of study and the text books to be used therein; and the treasurer of Waseca county shall, immediately after every apportionment, pay over on demand of the treasurer of said district all funds belonging to said district; *Provided*, that the annual school meeting shall be held on the first Tuesday in August of each year, at such time and place as the board of education may direct; *Provided*, that such elections shall be conducted by the board of education, shall be held from seven (7) till nine (9) o'clock in the afternoon, shall be by ballot, and the clerk of the board of education shall record the name of each voter as his or her name is deposited.

Any member of the board of education, upon challenge of any person offering to vote, administer to such person the oath required by Section twenty-six (26) of Chapter four (4) of the General Laws of the State of Minnesota for the year one thousand eight hundred and eighty-seven (1887), and examine such person as to his or her qualifications as a voter, and any person so sworn who shall make answer falsely shall be guilty of perjury.

SEC. 63. The common council may annually appropriate such sum as they see fit, not exceeding the amount appropriated that year by the town of Woodville, for the improvement and care of the cemetery of said town, and any of the directors of said cemetery may reside in said city.

*Provided*, that such appropriation and all appropriations of money by the common council, or all acts of the council requiring the expenditures of money for other than current expenses, the purchase of all ordinary and necessary supplies, the making of immediately necessary repairs upon the streets, sidewalks, sewers, public buildings or other public property, shall be made by resolutions passed by said common council, and which resolution, before it shall take effect, shall be approved by the mayor, as provided in section fourteen (14) of this charter, or passed over his veto as therein provided.

SEC. 64. All that portion of township one hundred and seven (107), range twenty-two (22) of Waseca county, and not embraced within the limits of said city, shall be and remain the town of Woodville, and the inhabitants of said city shall not be qualified voters in said town, and said town shall have no power or authority over said city; *Provided*, that any resident and voter of said city may hold any town office to which he may be elected by said town, and in such case he may hold his office in said city, and the town supervisors may hold their meetings in said city, and the town meetings and annual elections of said town may be held in said city.

SEC. 65. The auditor of said county shall annually, at the time when other taxes are extended, extend upon all taxable property of said city and town of Woodville a tax sufficient to pay the interest or the principal of any bonds heretofore issued by said town of Woodville which may fall due in the then current year; and it shall be the

duty of the town clerk of said town and the recorder of said city, on or before the first (1st) day of October of each and every year, to conjointly certify to the auditor of said county of Waseca the amount of any such principal or interest to so become due, and the amount of the tax so raised shall be paid by the treasurer of said county to the treasurer of said town, and shall not be applied by said town for any other purpose than that for which it was levied, and any officer of said town who shall authorize any part of said sum to be diverted, or shall in any way assist in diverting said sum, or any part of said sum, from the purpose for which it is levied, shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, and the said town shall be liable to the said city for any misappropriation of such fund, and any surplus of such fund shall be paid *pro rata* to said city on demand of the mayor.

SEC. 66. All ordinances and regulations heretofore made by the common council of the city of Waseca, not inconsistent with the provisions of this act shall be and remain in full force until altered, modified or repealed by the common council of said city after this act shall have gone into effect.

SEC. 67. This charter is a public act, and, with the ordinances and by-laws passed by virtue thereof, need not be pleaded or proven in any court in this state.

## CHAPTER II.

SECTION 1. There is hereby established in the city of Waseca, Minnesota, a court of record to be called the "Municipal Court," for the transaction of all business which may come before it.

SEC. 2. Said court shall have a seal and may have a clerk, and shall have all the jurisdiction and powers now conferred by Chapter forty-seven (47) of Special Laws of Minnesota for one thousand eight hundred and eighty-one (1881) upon either of the justices of said city, and in addition thereto shall have cognizance of and jurisdiction to hear, try and determine all civil actions or proceedings where the amount in controversy does not exceed three hundred dollars (\$300), or where, in case the action is for the recovery of personal property, the value of such property does not exceed the sum of three hundred dollars (\$300); *Provided, however*, that such cognizance and jurisdiction shall only extend to such actions of the same nature and character, save as to amount, now cognizable before said justices, or hereafter cognizable before a justice of the peace; *And, provided further*, that when a counter claim of more than three hundred dollars (\$300) in excess of plaintiff's claim, or where any equitable defense or ground for equitable relief of a nature not cognizable before a justice of the peace is interposed, or where it appears that the title to real estate is involved, the said court shall immediately cause an entry of such facts to be made of record and cease all further proceedings in the same, and certify and return the same to the district court of said county, with a transcript of all entries relating to such cause, together with all process and other papers relating to such suit, in the same manner and within the same time as upon an appeal from a justice's court; and thereupon the said district court shall proceed in the cause as if the said suit had been originally commenced in the said district

court, and the costs shall abide the events of the suit, except that the plaintiff shall advance the costs of the said municipal court.

SEC. 3. The judge of said court shall be known and called "Judge of the Municipal Court," and shall be elected by the electors of said city at the general city election to be held in April in the year one thousand eight hundred and ninety-two (1892), and each second (2d) year thereafter, save as the time of such election may be varied by the provisions herein contained as to filling vacancies, and the present incumbent of said office shall be and remain the judge of said court and exercise the duties thereof until the said city election in one thousand eight hundred and ninety-two (1892), and until his successor is elected and qualified. And in case of any vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the next annual election, when a judge shall be elected for a full term of two (2) years.

SEC. 4. Any person elected to the office of judge of said municipal court shall, before entering upon the duties of said office, file in the office of the recorder of said city his bond, signed by two (2) or more sureties, in any sum not exceeding three thousand (3,000) dollars, to be fixed by the common council of said city, conditioned for the faithful performance of his official duties and for the payment of all moneys which may come into his hands or the hands of the clerk of said court to the officers, parties or persons entitled thereto; and shall, also, at the same time, take, subscribe and file an oath as prescribed by the general laws of this state for judicial officers, with said city recorder.

SEC. 5. The judge of the said municipal court shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgments, and, as conservator of the peace, shall have all the authority and powers which by law are vested in justices of the peace of said state or city, or any other judicial officer, including sole and exclusive jurisdiction of all violations of the ordinances of the city of Waseca and prosecution thereunder.

SEC. 6. Said municipal court may have a clerk who may be appointed or removed, at the pleasure of said judge, by an order in the minutes of said court. Said clerk, before entering upon the duties of his office, shall take an oath to support the constitution of the United States and the state of Minnesota and to faithfully discharge and perform all the duties of his office, and shall execute to said city a penal bond, in such a sum and with such sureties as the common council of said city shall direct and approve, conditioned that he will at all times pay over to all persons on demand all moneys to which they may be entitled which may come into his hands by virtue of his office. Such oath and bond shall be filed in the office of the city recorder of said city. And in case of sickness or pressure of business such clerk may appoint, subject to the approval of said judge, a deputy clerk with the like powers of the clerk, but acting under the authority of said clerk, who shall be liable on his said bond for all the official acts of such deputy, and for all moneys coming into his hands. The salary or compensation of said clerk shall be such as the judge of said court shall determine, and shall be paid by said judge.

SEC. 7. Said municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry

into effect the jurisdiction given to it by law and its judgments and other determinations. And it shall have and possess all the powers usually possessed by courts at common law, subject to the modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of *habeas corpus*, *quo warranto*, *ne exeat*, mandamus or injunction. It shall have all the powers and jurisdiction conferred on justices of the peace by Chapter eight-four (84) of General Statutes, one thousand eight hundred and seventy-eight (1878). All process shall be attested in the name of the judge and issued under the seal of the court, and signed by the clerk (who shall be styled clerk of the municipal court), or by the judge. And the forms of process may be prescribed by the court, by rule or otherwise, and any form so prescribed shall be valid and sufficient; and any such forms may be changed by the court from time to time. In the absence of prescribed forms, the forms of process in use either in the courts of record in the state or by justices of the peace may be changed and adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service to the marshal or the constable of the city of Waseca, or to the sheriff or any constable of Waseca county, and may be served in the same manner as a summons issued by a justice of the peace, except as this is modified by section fifteen (15) of this act, and service by publication may be ordered and made as in justices' courts.

SEC. 8. Said municipal court shall be held in the city hall of said city of Waseca, or in some other suitable place to be provided by the common council of said city, which said hall or place shall be provided with fuel, lights and suitable furniture for the business of said court. The judge of said municipal court shall be chief magistrate of said city, and shall see that the criminal laws of the state are observed and executed within the county of Waseca, and that the ordinances, laws and regulations of the said city of Waseca be duly executed; and shall, for such purposes, open said court every morning (all legal holidays and Sundays excepted) and proceed to hear, try and dispose of, in a summary manner, all causes which shall be brought before him by the police officers of the said city, with or without process or otherwise, for violation of any of the laws, ordinances or regulations of the said city of Waseca, and also hear, try and dispose of all criminal causes brought before him, in accordance with the laws of this state, of which he may have jurisdiction; *Provided*, that in all cases for the violation of any criminal law of this state the county of Waseca shall be held for and shall pay to the judge of said court all fees and costs which are not collected from the defendant, and that in all cases for the violation of any ordinance, law, regulation or by-law of said city, said city shall be held for and shall pay to the judge of said court all fees and costs not collected from the defendant. A record of all proceedings in said court shall be kept, and all commitments and executions, as well as all other process, shall be issued by the judge or clerk of said court, and all orders, judgments and sentences shall be entered under the supervision of the judge. And in all criminal causes prosecuted in said court, where the costs of prosecution shall not be paid by the defendant, it shall be the duty of the judge or clerk of said court to file with the auditor of Waseca county or with the city recorder of the city of Waseca, as the case may be, a certified statement of the fees of the witnesses for the prosecution, and



state. If the defendant fails to appear by eleven (11) o'clock in the forenoon of the day on which said summons is made returnable, he shall be declared in default, and the plaintiff shall thereupon have such judgment as he shall show himself entitled to. If the defendant shall so appear, he shall immediately, or within such time as the court shall direct, file his answer or demurrer to the complaint, and the plaintiff may reply thereto forthwith or within such time as the court may designate. Either party may demur to any pleading of his adversary for the same reasons and in the same form as in the district court; but all pleadings shall be construed liberally, and merely technical objections shall be disregarded. And the court may, for good cause shown, in its discretion, and on such terms as it may deem equitable, open any default within ten (10) days after such default. And the opposing party shall have two (2) days' notice in writing, of any motion to open any default, and may appear to oppose the same. The court shall disregard variances arising between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to a continuance of any civil action, excepting cases under the provisions of Chapter eighty-four (84), General Statutes, until the next term of the court following the term at which the summons shall be returnable; and further continuance may be granted upon sufficient cause shown and on such terms as may be just. Said court shall have authority to provide by rule that the plaintiff in any civil action shall, before any summons shall issue in the action, or at any other time, give security for costs by bond, recognizance or deposit of money, in such sum as the court may designate. And in all civil actions tried in this court without a jury, the judge shall, when requested, at any time prior to the order for judgment, make and file separate findings of facts and conclusions of law; and on appeals from a judgment in actions tried with a jury on questions of law only. Such judgment may be revised if the findings of facts do not justify the conclusions of law. When the complaint is verified and the defendant fails to appear and file in court an answer thereto, the plaintiff shall be entitled to have judgment rendered and entered as in similar causes in actions brought in district court. Said municipal judge may practice as an attorney in any of the courts of this state, except in causes brought before him in said municipal court. And said municipal judge shall not sit in the trial of any cause in which he is interested, either directly or indirectly, or in which he would be excluded from sitting as a juror; *Provided, however,* that no such interest or excluding cause shall disqualify or prevent him from issuing any process therein, or making return to any appeal from any judgment docketed in said court. And said municipal judge, in case of sickness, absence, interest or other legal cause, shall, by an order entered of record, call in the probate judge, the court commissioner or some justice of the peace of said Waseca county to act as judge of said municipal court in the trial of any such cause, or in the holding of a term or terms of said court, and such judge of probate, court commissioner or justice of the peace so called in, shall serve as such judge and shall have and exercise all the powers of every kind possessed by said municipal judge in the trial of any such cause or the holding of any such terms of court as the case may be, and shall receive the same fees for his services as the said municipal judge is entitled to receive.

SEC. 11. All of chapter sixty-six (66) of General Statutes of one thousand eight hundred and seventy-eight (1878) of this state, from section ninety (90) inclusive to section one hundred thirty-one (131) inclusive, with the amendments thereof, and all other sections of said chapter, and all laws whatsoever of a general nature, shall apply to said municipal court, so far as the same can be made applicable, and so far as they are not inconsistent with the provisions of this act; *Provided*, that in cases not herein otherwise provided the practice and method of proceeding shall be as in justices' courts.

SEC. 12. All necessary disbursements paid or incurred shall be allowed the prevailing party as in district court, and costs shall be allowed the prevailing party as follows:

*First*—To the plaintiff, upon a judgment in his favor of one hundred (100) dollars or more, or in actions of replevin when the value of the property replevied is one hundred (100) dollars or more, ten (10) dollars, if issue has been joined, and five (5) dollars if no issue has been joined.

*Second*—To the plaintiff, upon a judgment of less than one hundred (100) dollars, and for fifty (50) dollars or more, or when in an action of replevin the value of the property replevied is less than one hundred (100) dollars, and is fifty (50) dollars or more, five (5) dollars, if an issue has been joined, and three (3) dollars, if issue has not been joined.

*Third*—To the plaintiff, upon any judgment not herein provided for, three (3) dollars.

*Fourth*—To the defendant, when the amount claimed in the complaint or the value of the property sought to be replevied is one hundred (100) dollars or over, five (5) dollars, if the judgment is upon discontinuance or dismissal, and ten (10) dollars, if the judgment is rendered in his favor on the merits.

*Fifth*—To the defendant, when the amount claimed in the complaint or the value of the property sought to be replevied is less than one hundred (100) dollars, and is fifty (50) dollars or over, three (3) dollars, if the judgment be upon continuance or dismissal, and five (5) dollars, if the judgment is rendered in his favor on the merits.

*Sixth*—To the defendant, upon any judgment in his favor not hereinbefore provided for, three (3) dollars; *Provided*, that in every case where a demurrer has been interposed by either party and overruled, and the party demurring shall not afterwards answer or reply, as the case may be, it shall be considered the same as an issue joined, or a decision on the merits; *And provided further*, that costs may be allowed the prevailing party on a contested motion or demurrer, in the discretion of the judge, not exceeding the sum of five (5) dollars, when the amount or value of the property in dispute exceed one hundred (100) dollars, and three (3) dollars, when the amount or value of the property in dispute is one hundred (100) dollars or less; *And provided further*, that no party shall recover any costs as herein provided, unless he has appeared of record in such action by an attorney admitted to practice in district courts of this state.

SEC. 13. Costs and disbursements may be taxed by the clerk or the judge upon two (2) days' notice by either party, and may be inserted in the entry of the judgment. The disbursements shall be stated in detail as in district court, and verified by affidavit filed with the court, and all objections to any item shall be in writing, and shall

specify the grounds thereof. When such costs or disbursements are taxed by the clerk either party may appeal to the judge in the same manner as in district court; and sections four (4), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), and fifteen (15) of Chapter sixty-seven (67) of General Statutes of one thousand eight hundred seventy-eight (1878) shall apply to this court to as far as not inconsistent with this act.

And in case neither party to any action or proceeding in said court shall, within ten (10) days after order of judgment, cause the costs and disbursements therein to be taxed and judgment entered, the clerk or the judge of said court may, at any time thereafter, upon two (2) days' notice to the losing party or his attorney of record, proceed to tax the costs, fees and disbursements in any such action or proceeding, and insert the same in the judgment to be thereupon entered of record in such cause.

SEC. 14. Writs of attachment may be issued on behalf of a plaintiff in any action in said court in the same manner and in like cases as in the district courts of this state; and title nine (9) of Chapter sixty-six (66) of General Statutes of one thousand eight hundred seventy-eight (1878) shall apply to this court and govern all proceedings therein as to attachments, except that the causes for an attachment and the form and affidavit therefor shall be the same as in justices' courts, and except as the provisions thereof may be inconsistent with the provisions of this act; *Provided, nevertheless*, that no real estate shall be attached on a writ issued from said municipal court, unless the amount of plaintiff's claim, as appears by the affidavit, shall be fifty (50) dollars or more, and that no writ of attachment shall issue unless the amount of plaintiff's demand exceeds the sum of five (5) dollars; *And provided further*, that the bond shall be approved and the writ issued by the judge of said court, and that no order therefor from any court commissioner shall be necessary; *Provided, however*, that in all cases where the summons has been served on the defendant, and the court has gained jurisdiction of the defendant, judgment may be entered without regard to whether the writ of attachment has been levied on any property or not.

SEC. 15. The form of such writ of attachment may be as follows, except that the words "and real estate" shall be omitted, unless the amount of plaintiff's claim as shown by the affidavit shall be fifty (50) dollars or more:

STATE OF MINNESOTA, } County of Waseca. }	ss.	CITY OF WASECA,  Municipal Court.
.....		} Plaintiff, vs. ..... Defendant.
.....		
.....		
.....		
STATE OF MINNESOTA, } County of Waseca. }	ss.	

*The State of Minnesota to the Marshal or Constable of said City of Waseca, or to the Sheriff or to any Constable of said County:*

WHEREAS, in the above entitled action, an application has been duly made to this court for a writ of attachment against the property of



.....defendant therein,  
 setting forth by affidavit that a cause of action exists against such  
 defendant, and specifying the amount of claim and the ground there-  
 of, and that the affiant has good reason to believe (*here state the ground  
 for the attachment*).....

.....and,

WHEREAS, the bond required by law has been duly executed, ap-  
 proved and filed in this court;

Therefore, you are hereby commanded and required to attach and  
 safely keep all the personal property and real estate of said.....  
 .....within your county and not exempt from  
 execution, or as much thereof as may be sufficient to satisfy the said  
 plaintiff's demand, which amounts to the sum of.....  
 as appears from the complaint and affidavit in said action, together  
 with costs and expenses, and that you proceed herein in the manner  
 required of you by law.

Witness the honorable.....

*Judge of the Municipal Court of the city of Waseca, Minnesota.*

This.....day of.....A. D. 18...

And no such writ containing the words "and real estate" shall run  
 to or be served by any officer except the sheriff, nor shall it contain  
 the words "marshal or constable of said city of Waseca, or to the,"  
 nor the words "or any constable."

SEC. 16. When the object of an action is to recover the possession  
 of personal property, the plaintiff may, at the time of the filing the  
 complaint and issuing of the summons and notification, file an affi-  
 davit as required in the justice court and in a like action, and also a  
 bond, executed with sureties to be approved by the judge and  
 conditioned similar and in the same amounts as bonds in like actions  
 in justice courts; and a writ shall thereupon issue which shall be re-  
 turnable on the return day of the summons in such action, and it may  
 be signed by the clerk or judge, and under seal of the court, and  
 in form as follows:

STATE OF MINNESOTA, }  
 County of Waseca. } ss.

CITY OF WASECA,

Municipal Court.

*The State of Minnesota to the Marshal or Constable of the City of Waseca,  
 or to the Sheriff or any Constable of said County:*

WHEREAS,.....complains that.....has become  
 possessed of and unjustly detains from the said.....  
 .....the following described goods and chattels, that is to say  
 (*describing the articles with reasonable certainty and stating their alleged  
 value*);

Therefore, you are hereby commanded that you cause the same  
 goods and chattels to be replevied without delay and delivered to said  
 .....and to summon the said.....  
 .....if to be found within the said county, to be and ap-  
 pear before the municipal court of the city of Waseca, at a term  
 thereof to be holden on.....the.....day of.....  
 A. D. 18....., at ten (10) o'clock in the forenoon, and answer to.....

.....whose complaint is on file in said court, in a civil action; and have you then and there this writ.

Witness the honorable.....

*Judge of the Municipal Court.*

This.....day of.....A. D. 18.....

.....

*.....of the Municipal Court.*

Or the writ may be in any other form that the court may by rule prescribe. The writ shall be served, and all proceedings thereunder had, in the same manner (except as to times and forms of pleadings and trials and except as hereinafter provided) as upon similar proceedings in a justice court; *Provided*, that all proceedings after the seizure of such property by the officer, respecting the possession of such property, shall be governed by sections one hundred thirty-five, (135), one hundred thirty-six (136), one hundred thirty-seven (137), one hundred thirty-nine (139), one hundred forty (140), one hundred forty-one (141) of Chapter sixty-six (66) of the General Statutes of one thousand eight hundred seventy-eight (1878).

SEC. 17. Prior to each term of said municipal court for the trial of civil actions, a calendar may be made up of the causes which will come up for trial or for any disposition before the court at such term, and the judge may adopt the order of arrangement, and may, at each term, direct the order of the trial and other disposition of the causes as in district courts.

SEC. 18. Trial by jury may be had in the municipal court as in justices' courts, and the jury may be selected in the same manner as in justices' courts, and venires issue therefor and talesmen be selected in the usual manner. Three (3) peremptory challenges of talesmen may be made by either party. The jury shall take the same oath prescribed for jurors in the district court, and the respective functions of judge and jury, upon the trial of cases, shall be the same as in district court, and exceptions to the ruling and decisions of the judge and his charge and refusals to charge may be taken as upon trials in the district court. When no other provisions are otherwise made in this act, said municipal court is vested with all the powers which are possessed by the district courts in this state, and all laws of a general nature apply to the said municipal court so far as the same can be made applicable and are not inconsistent with the provisions of this act. Jurors in said municipal court shall be entitled to like fees as jurors in the justices' courts, to be collected and paid in same manner, but to be advanced by the party demanding a jury before such jury is drawn and at the time of demanding the same; and jurors in criminal causes shall be entitled to like fees as jurors in civil actions, which said fees shall be taxed as a part of the costs in the cause.

SEC. 19. Title eighteen (18) of Chapter sixty-six (66) of General Statutes, relative to trials by referees, title nineteen (19) of the same chapter, relative to exceptions, title twenty (20) of the same chapter, relative to new trials, section four (4) of Chapter twenty-seven (27) of the General Statutes, and Chapter eighty-four (84) of said statutes shall all apply to said municipal court and its judge; *Provided*, that all motions for a new trial shall be made within ten (10) days after order of judgment therein. In all cases the judge in causes tried

without a jury may take five (5) days in which to decide any action, motion or demurrer.

SEC. 20. Appeals shall lie from said municipal court to the district court of Waseca county in all actions, both civil and criminal, and in actions under Chapter eighty-four (84) of the General Statutes of this state, as follows: In criminal actions and in actions under Chapter eighty-four (84) of General Statutes, appeals may be taken in all cases and in the same manner and upon like proceedings and with like effect as they may now be taken from justices' courts of this state. In civil actions not under Chapter eighty-four (84) of General Statutes, appeals may be taken in all cases, and in the same manner and within the same time and with the same effect as can be now taken from justices' courts; and title eleven (11) of Chapter sixty-five (65) of General Statutes, relating to appeals, shall apply to appeals from this court; *Excepting and providing*, that an appeal may be taken from any judgment, or from an order granting or refusing a new trial, or from an order sustaining or overruling a demurrer, and in no other cases; *And provided further*, that in case of an appeal from a judgment on questions of law only, or from an order granting or refusing a new trial, or from an order sustaining or overruling a demurrer, such district court shall certify under its seal its decision thereon and remand such cause to said municipal court, in the same manner and with same effect as causes are remanded from the supreme court to the district court, unless otherwise ordered by the judge of said district court; *And provided further*, that no appeal from any order of said municipal court shall be allowed unless the same is taken within ten (10) days from the filing of such order, unless further time is granted, on application made within such space of ten (10) days, in which to prepare a bill of exceptions or case, and in which to perfect such appeal; *And provided further*, that in all cases of appeal of civil actions in said court, the party taking the appeal shall pay all the fees of said court and of the officers serving any process therein, which shall have accrued in said action, before any such appeal shall be allowed or entered of record. And upon appeal to the district court from an order granting or refusing a new trial, or sustaining or overruling a demurrer, the successful party shall recover therein, if allowed by the judge of the district court, any sum so allowed, not exceeding ten (10) dollars costs, besides disbursements, to be taxed and judgment entered therefor in district court; or in case the cause is remanded, then such judgment for costs so allowed to be entered in said municipal court.

SEC. 21. No judgment rendered in said municipal court shall be a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided; but writs of execution on all judgments in civil actions may issue, upon entry of judgment after time for appeal has elapsed, against the goods and chattels of the judgment debtor, returnable within thirty (30) days. Judgments may be stayed in this court the same as in justices' courts. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding ten (10) dollars, besides costs, may, upon paying the fee therefor and all unpaid fees payable to the judge of said court in such action, demand, and shall receive from such court, a transcript of such judgment, duly certified, and file the same in the office of the clerk of the district court of the county of Waseca, who shall file and docket the same as in case of transcripts of judgment

from justices' courts; and every such judgment shall become a lien upon the real estate of the debtor from the filing of such transcript to the same extent as a judgment of the said district court, and shall thereafter, so far as relates to the enforcement of the same, be exclusively under the control of the said district court; *Provided*, that the transcript of a judgment in any action in municipal court in which a writ of attachment has been issued and levied on real estate shall become a lien, on being filed in such district court in the county where such land is, on all real estate so attached, and such lien shall date back to the date of such attachment. Said municipal court shall not issue such transcript while a writ of execution is in the hands of an officer and not returned or lost, and shall note on the record of such judgment the fact that such transcript has been given, and shall not thereafter issue any writ of execution on the same judgment, but may at any time give to the same party or his representatives a new transcript of such judgment in the case of the loss of the transcript first given.

SEC. 22. Proceedings against garnishees may be instituted in the same manner as in justices' courts, but the garnishee summons may be served either by any officer or by any indifferent person at any place within the state of Minnesota, and the summons may be made returnable at any term of said municipal court which may be named therein, not less than six (6) days, and the notice required to be served on the defendant in the action may be signed either by the clerk of said court or the person who served the garnishee summons, or by the plaintiff or his attorney. The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court.

SEC. 23. Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to the judge or clerk when not in session, and shall be made in writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state, or of the ordinances, regulations or by-laws of said city, except that the judge may require the city attorney of said city to draw the same when violations of any ordinance, regulation or by-law of said city, or the county attorney of said county to draw the same when for any violation of any law of this state, and may so notify such city attorney or county attorney. And the clerk of said court, as well as said judge, is hereby made a conservator of the peace and vested with the same authority, discretion and power to act on receiving complaints and issuing the warrants of said court in criminal cases. Any complaints, warrants, and other process in criminal cases may follow substantially the same forms heretofore in use by the justices of the peace, with such alterations as may seem convenient to adapt the same to the style of said municipal court, or may be in such other form as the court may prescribe, sanction or approve. In cases where alleged offenders shall be in custody and brought before the court or clerk without process, the judge or clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in the place of a complaint unless the court shall direct a formal complaint to be made. The plea of the defendant shall be guilty or not guilty; and in case of failure to plead, the judge or clerk shall enter a plea of not guilty, and a formal acquittal or conviction

for the same offense may be proved under that plea, the same as if formally pleaded; and in the examination of offenders charged with indictable offenses the judge or clerk shall keep such minutes of the examination as the court may direct, and shall make the proper return to the proper court before which the party charged with the offense may be bound to appear. The city attorney of Waseca shall have charge of all criminal cases before said municipal court for offenses against any ordinance, regulation or by-law of said city, and the county attorney of Waseca county shall act in the prosecution of all offenders charged with the violation of any law of this state.

SEC. 24. In all civil proceedings had in said municipal court, when the amount claimed in the complaint filed therein does not exceed thirty (30) dollars, like fees or costs shall be charged and collected by the judge, or the clerk for the judge, which are allowed by law to justices of the peace in proceedings and upon trials before them, or for similar services, and in all other civil proceedings like fees or costs shall be charged and collected by the judge, or the clerk for the judge, as are allowed by law to such justices of the peace for like or similar services, except as hereinafter provided; *Provided*, that except in the cases where the amount claimed in the complaint is thirty (30) dollars or less, the fees shall be one (1) dollar for issuing each and every summons, which fees shall be paid in advance by the plaintiff prior to the issuing of such summons, and that the fees for issuing each writ of attachment, which can be levied on real estate, there shall be a fee of twenty-five (25) cents in addition to the other fees allowed in justices' court; *And provided also*, that for hearing and deciding every motion for a new trial or for removing a default there shall be a court fee to go to the judge of one (1) dollar, and for hearing and deciding every demurrer, a fee of fifty (50) cents, in addition to the usual fees in justices' court; and that for allowing or settling any bill of exceptions or case, a fee of fifty (50) cents shall be allowed to the judge, and that for certifying any return to the district court on an appeal, ten (10) cents per folio, unless such return and all necessary copies be made by the appealing party; *Provided further*, that in all actions before said municipal court, and in all examinations held by or before said court to inquire into offenses of which said court shall not have final jurisdiction, the same fees shall be taxed as costs of said court as are now allowed to justices of the peace for similar services, and twenty-five (25) per cent additional thereto; *And provided*, that all such fees and costs mentioned in this section shall go to the judge of said court as his compensation, in lieu of a salary.

SEC. 25. The municipal court shall be furnished from time to time with all necessary records and judgment books and dockets, and also with a seal of court, by and at the expense of the city of Waseca. And all actions, motions, proceedings and causes, civil and criminal, now pending in said municipal court, shall proceed in said court as though this act had not been passed; and all dockets, records, files and papers of all justice jurisdiction of the village of Waseca, and of all city justices of said city of Waseca, and of all previous municipal court judges of said city, and all judgments existing on such dockets, shall be judgments of said municipal court and of the same legal effect as other judgments of said municipal court.

SEC. 26. That section three (3) of Chapter sixty-nine (69) of the Special Laws of the state of Minnesota of the year one thousand eight

hundred eighty-nine (1889), and all acts and parts of acts relating to the city of Waseca inconsistent with the provisions of this act, are hereby repealed.

SEC. 27. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 53.

[H. F. No. 4081.]

AN ACT TO CONFIRM AND CONTINUE THE PRESENT MUNICIPAL COURT OF THE CITY OF DULUTH, IN THE COUNTY OF ST. LOUIS, IN THE STATE OF MINNESOTA, TO ENLARGE THE JURISDICTION OF SUCH COURT AND TO REGULATE THE PRACTICE AND PROCEDURE THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. *Court Established—Jurisdiction.*—The municipal court now existing in the city of Duluth, in the county of St. Louis and state of Minnesota, is hereby confirmed, continued and established as a court for the transaction of all judicial business which may lawfully come before it. The said court shall be located and its sessions shall be held in the city of Duluth, at some suitable place to be provided therefor by the common council of said city.

Said court shall be a court of record, and shall have a clerk and a seal, and the jurisdiction of said court shall be coextensive with the limits of the counties of St. Louis, Lake and Cook, except as hereinafter provided.

*Civil Jurisdiction.*—Said court shall have jurisdiction to hear, try and determine civil actions and proceedings as follows:

*First*—Of an action arising on contract for the recovery of money only, if the sum claimed does not exceed five hundred (500) dollars.

*Second*—Of an action for damages for an injury to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy, does not exceed five hundred (500) dollars.

*Third*—Of an action for a penalty given by statute not exceeding five hundred (500) dollars.

*Fourth*—Of an action upon a bond, conditioned for the payment of money, not exceeding five hundred (500) dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

*Fifth*—Of an action upon an official bond, or bond taken in said court, if the penalty does not exceed five hundred (500) dollars.

*Sixth*—To take and enter judgment on the confession of a defendant, when the amount does not exceed five hundred (500) dollars.

*Seventh*—To hear and to determine all questions that may arise in actions before it, brought under Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878) and the

amendments thereto, relating to forcible entries and unlawful detainer, whether involving the title to real estate or otherwise.

*Eighth*—Said court shall also have all the powers and jurisdiction conferred by law upon justices of the peace in this state.

*Ninth*—*Criminal Jurisdiction*.—To hear all complaints and conduct all examinations and trials in criminal cases arising or triable within the counties of St. Louis, Lake and Cook, and cognizable before a justice of the peace, or arising under the charter, ordinances, laws, regulations or by laws of said city of Duluth.

SEC. 2. *Limit of Jurisdiction*.—The jurisdiction of said court, however, shall not extend:

*First*—To any civil action involving the title to real estate, save and except an action brought under and pursuant to Chapter eighty-four (84) of the General Statutes of Minnesota, A. D. one thousand eight hundred and seventy-eight (1878), and the amendments to such chapter.

*Second*—Nor to an action for divorce, nor an action wherein the relief demanded in the complaint is equitable in its nature.

*Third*—Nor to an action against an executor or administrator as such.

SEC. 3. *Powers*.—Said court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given it by law, and its judgments and other determinations, save as hereinafter provided. And it shall have and possess all the powers usually possessed by courts of record at common law, subject to the modification of the statutes of this state applicable to courts of record. And said court is hereby vested with all powers over cases within its jurisdiction which are possessed by district courts of this state over cases within their jurisdiction; and all laws of a general nature shall apply to said municipal court so far as the same are applicable and not inconsistent with the provisions of this act; *Provided*, that said municipal court shall not have power to issue a writ of *habeas corpus*, *quo warranto*, *ne exeat*, *mandamus*, prohibition or injunction.

SEC. 4. *Judge, How and When Elected*.—There shall be one judge of said municipal court to be called municipal judge. The present judge of said court shall continue in office during the term for which he was elected, and until his successor shall be elected and qualified. The qualified electors of the city of Duluth shall, at the general city election to be holden on the first (1st) Tuesday in February in the year one thousand eight hundred and ninety-two (1892), and on the day of the general city election every third (3d) year thereafter, elect a suitable person, with the qualifications hereinafter mentioned, to the municipal judge, who shall hold his office for a term of three (3) office of years, and until his successor shall be elected and qualified.

There shall be one (1) special judge of said municipal court, whose time and manner of election, term of office, powers and duties and qualifications shall be the same as those of the municipal judge, except as otherwise provided in this act, and his successor shall be elected and vacancies in his office filled in like manner. In case of a press of business requiring the attendance of two (2) judges at one time in said court, at the request of the municipal judge, or, in case of the absence or sickness of the municipal judge, at the request of the mayor or acting mayor of said city, the said special judge shall act as

judge of said court, and when the special judge so acts as judge of said court, the said special judge and the municipal judge may each have and exercise the powers of said court and may sit in the trial and examination of cases at the same time. The special judge so acting as judge of said court shall receive compensation from the city of Duluth at the rate of ten (10) dollars per day or fraction thereof.

This section shall not incapacitate such special judge from acting as attorney in any case in said court, but when such judge is acting as judge of said court he shall take no action in said case, save to adjourn the same. The present special judge of said court shall continue in office during the term for which he was elected, and until his successor is elected and qualified. In case of any vacancy in the office of judge or special judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the next annual election held in said city, when a judge or special judge, as the case may be, shall be elected for a full term.

**SEC. 5. Term of Office.**—The term of office of the judge of said court shall be three (3) years, and until his successor shall have been elected and qualified.

**SEC. 6. Qualifications of Judge.**—The judge of said court shall be a resident of the county of St. Louis, a person learned in the law and duly admitted to practice as an attorney in the courts of this state, and before entering upon the duties of his office he shall take and subscribe an oath as prescribed by the general statute for judicial officers, which oath shall be filed in the office of the city clerk of said city.

**SEC. 7. Powers of Judge.**—The Judge of said court shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgments in all cases, and as a conservator of the peace shall have all power and authority which is or may hereafter be vested in justices of the peace, or any other judicial officer of this state.

He shall see that the criminal laws of this state and the ordinances, laws, regulations and by-laws of said city are observed and executed; and for that purpose shall open said court every morning (Sunday and legal holidays excepted), and proceed to hear and dispose of all cases which shall be brought before him by the police officers of said city, or otherwise, either with or without process, for the violation of the criminal laws of this state committed within the counties of St. Louis, Lake and Cook, and to hear, try and determine in a summary manner all cases of violation of the ordinances, laws, regulations and by-laws of said city. The said judge shall be the chief magistrate of said city.

**SEC. 8. Rules.**—Said judge shall have power to make and prescribe such rules and regulations for the government of said court and the dispatch of the business coming before it as shall by him be deemed proper, and as shall not be inconsistent with the provisions of this act and the laws of this state.

**SEC. 9. Clerk—Appointment—Oath—Bond.**—There shall be a clerk of said municipal court who shall be appointed by the judge of said court, and the judge shall have power to remove said clerk at pleasure. Such clerk, before he enters upon the duties of said office, shall take and subscribe an oath to support the constitution of the United States and the state of Minnesota, and to faithfully perform the duties of his office, and shall execute to the city of Duluth a penal bond in



such sum and with such sureties as the judge of said court shall approve, conditioned that he will account to and pay over to the treasurer of said city on the third (3d) day of every month all fines, penalties, fees and other moneys belonging to or to go to said city which may have come into his hands during the month next preceding, and that he will at all times pay over to all other persons on demand all moneys to which they may be entitled which may have come into his hands by virtue of his office, and that, at the end of his term of office, he will forthwith pay over to the city of Duluth all moneys to which said city shall then be entitled, and to his successor in office all other moneys then remaining in his hands by virtue of his office. Such oath and bond shall be filed in the office of the clerk of said city.

And the city comptroller shall, on or before the tenth (10th) day of each month, examine the books and records of said court, and the report of the said clerk for the month next preceding, and, if, on such examination, he shall find the report correct and that the said clerk shall have paid to the city treasurer all moneys belonging to or to go to the city of Duluth, he shall give to the said clerk a certificate of such examination and payment, which certificate shall be a full release on the part of said city to said clerk for all claims against him by the said city for the month therein stated.

SEC. 10. *Deputy Clerk—Appointment—Oath—Bond—Powers.*—Such clerk shall have power to appoint, subject to the approval of said municipal judge, one (1) or more deputy clerks, with like powers of the clerk, but acting under the direction of said clerk; and said deputies may be removed from office at any time by the clerk.

SEC. 11. *Duties of Clerk.*—The clerk shall have the custody and care of all books, papers and records of said court, and of the furniture of the court room, jury rooms and other offices of said court, and shall, from time to time, under the direction of the judge, procure and furnish all the necessary blanks, stationery, record books, court room, jury room and office furniture and furnishings and lights and fuel for the use of the court and the officers thereof, at the expense of the city. He shall be present by himself or deputy, unless absent from sickness or by the consent of the judge, and in case of the absence of both clerk and deputy, the judge may appoint some person temporarily to the position. He may swear all witnesses and jurors, and administer all other oaths and affidavits, and take acknowledgments. He shall have the same power and authority in reference to garnishee disclosures as are by law conferred upon clerks of the district court. He shall keep minutes of all proceedings and enter all judgments, orders and sentences, issue commitments as well as all other writs and process, and make up and keep the records of the court under the direction of the judge, and when the judge is not present, adjourn the court from day to day. He shall tax all costs and disbursements allowed in every action, subject to review by the judge, and do all other acts and things necessary or proper to the enforcing and carrying out of the jurisdiction of the court. He shall receive all fines, penalties and fees of every kind accruing to the court or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same, and shall, on the third (3d) day of every month, deliver over to the city treasurer of the city of Duluth the moneys so received, with detailed accounts thereof, and take his receipt therefor.

Said clerk, as well as the judge of said court, is hereby made a conservator of the peace, and vested with the same authority, discretion

and power to act on receiving complaints and issuing warrants of said court in criminal cases.

SEC. 12. *City and County Attorneys — Duties of.*—The city attorney of the city of Duluth shall have charge of the prosecution of all criminal cases in said court not indictable; and the county attorney of the county of St. Louis shall act in the prosecution of offenders charged with indictable offenses when required by law to prosecute before justices of the peace, or otherwise.

SEC. 13. *Stenographer.*—The judge of said court shall employ and appoint a shorthand writer, to make in shorthand writing a true record or report of the proceedings and evidence taken upon the trials of issues of fact in said court and of all examinations held therein, and, when required by the court or either of the parties to such trial or examination, to transcribe such record and report into longhand. And when, by reason of pressure of business, the services of more than one stenographer are required at one and the same time, such stenographer shall, by direction of the court, procure some competent person to serve as such additional stenographer, and such additional stenographer shall receive as compensation therefor the sum of five (5) dollars for each day or fraction thereof so serving.

SEC. 14. *Oath — Duty.*—Before such reporter shall enter upon the performance of his duties he shall take and subscribe an oath similar to the oaths required of the reporters in the district courts of this state, and file the same with the clerk of this court.

The evidence and proceedings in trials of issues of fact in this court shall be reported in like manner as in the district court of this state.

In the performance of his duties said reporter shall be subject to the orders and directions of the court, and the judge may at any time discharge such reporter and employ and appoint another.

SEC. 15. *Fees.*—The official or additional reporter of said court shall, upon the written request of either of the parties to an action, proceeding or examination, transcribe his record into ordinary writing or print, and the party requesting such transcription shall pay to said reporter or additional reporter five (5) cents per folio of one hundred (100) words for each folio, and three (3) cents per folio of one hundred (100) words for each copy thereof.

SEC. 16. *Terms of Court.*—Said court shall hold regular terms for the transaction of civil business and the trials of civil actions, on the first (1st) and third (3d) Mondays of every month, except the month of August, which terms shall continue from day to day with such adjournments as the court shall deem proper, until the business of such term shall be finished; *Provided*, that the judge of said court may set cases for hearing and trial upon any day in that or any subsequent term. The terms of said court shall open at ten (10) o'clock in the forenoon.

SEC. 17. *Term Calendar.*—The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial, or for any other disposition before the court at such term, adopting such arrangement as the judge may direct.

SEC. 18. *Actions — How Commenced and Conducted.*—All civil actions and proceedings in said court shall be commenced and conducted as prescribed by the statutes regulating the commencement, pleading, practice and procedure in the district courts of this state, as far as the same may be applicable; except, however, as in this act otherwise provided.

SEC. 19. *Times of Service, Pleadings, etc.*—The time within which any act is to be done in this court shall be one-half (4) of the statutory period prescribed in the district courts of this state; *Provided*,

*First*—That no such period shall be less than three (3) days.

*Second*—Notes of issue shall be filed at least four (4) days before the term, and notices of trial shall be served at least four (4) days before the term.

*Third*—The time within which motions for new trials and appeals may be made or taken shall be the same as in the district court.

*Fourth*—The practice and proceedings in actions under Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878) shall be the same as in justices' court, except that the summons shall be issued by the clerk; *Provided*, that Monday of each week shall be a special return day for the summons in all actions brought under said chapter.

*Fifth*—Defaults may be opened and judgments and orders set aside or modified for good cause shown within thirty (30) days after the party affected thereby shall have notice or knowledge of the same.

SEC. 20. *Counterclaims in Excess of Jurisdiction — Equitable Defenses.*—Whenever a counterclaim in excess of five hundred (500) dollars, or where any equitable defense or ground for equitable relief is interposed, or where it appears that the title to real estate is involved, save as is provided in section one (1), subdivision seven (7) of this act, said court shall immediately cause an entry of the fact to be made of record, and cease all further proceedings in the case, and within twenty (20) days thereafter certify and return to the district court of said county of St. Louis a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit, and thereupon said district court shall proceed in the cause to final judgment and execution according to law, the same as if said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

SEC. 21. *Attachment — Replevin — Garnishment.*—Proceedings by attachment, replevin or garnishment in said court shall be conducted as in the district courts of this state; *Provided*, that the bonds required in such proceedings shall be executed with sufficient sureties, and be in attachment not less than two hundred and fifty (250) dollars, or in double the value of the property claimed in replevin, and all bonds required or allowed in such proceedings shall be approved by the judge of said court; *And provided further*, that in garnishment proceedings the affidavit required shall be the same as in justices' courts, and no judgment shall be rendered against a garnishee where the judgment against the defendant is less than ten (10) dollars, exclusive of costs, nor where the indebtedness of the garnishee to the defendant, or the value of the property, money or effects of the defendant in the hands or under the control of the garnishee, as proved, is less than ten (10) dollars.

SEC. 22. *Manner of taking Depositions, Notice, etc.*—Whenever the testimony of any person within or without this state is wanted in any civil action or proceeding in this court, the same may be taken by and before any officer authorized to administer an oath in the state or country in which the testimony of such person may be taken, upon notice to the adverse party of the time and place of taking the same. Such notice shall be in writing, and shall be served as other notices

in civil actions are required to be served, and shall be served so as to allow the adverse party sufficient time, by the usual route of travel, allowing one (1) day for every one hundred (100) miles of distance between the place of service of the notice and the place of taking such deposition, and one (1) day for preparation, exclusive of Sunday; and the examination may be adjourned from day to day, if so stated in the notice; *Provided*, that the judge of this court may, on motion and by order in the cause, designate the time and place of taking such testimony, and the time in which a copy of the order shall be served on the adverse party or his attorney; *Provided further*, that, when the defendant is in default for want of an answer or other defense, such notice or order need not be served upon him.

And in all other respects the taking and use of depositions in said court shall be governed and controlled by sections thirty-seven (37), thirty-eight (38), thirty-nine (39) and forty (40) of Chapter seventy-three (73) of the General Statutes of the state of Minnesota of one thousand eight hundred and seventy-eight (1878).

**SEC. 23. Tenders.**—Tenders of money may be pleaded and made in said court in like manner and with like effect as in the district court.

**SEC. 24. Stay of Execution.**—Executions may be stayed in this court in like manner as in the district court.

**SEC. 25. Confession of Judgment.**—Judgment may be confessed and filed and entered in said court in like manner as in the district court.

**SEC. 26. Second Trial, under Chapter 84, General Statutes 1878.**—Whenever the title to real estate, for the possession of which action is brought under Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878), is involved and determined in this court, the person aggrieved thereby may, after written notice of the judgment entered in this action, apply to the court, and have said cause transferred to the district court for the county of St. Louis, upon complying with the following requisites:

*First*—He shall deposit with the clerk of this court, for the use of the person entitled thereto, the amount of costs and disbursements included in said judgment.

*Second*—Within twenty-four (24) hours after notice of such judgment he shall serve upon the adverse party a notice in writing of at least twenty-four (24) hours, stating that he will apply to the court on a day not more than three (3) days after such judgment is entered, naming such day, for an order of the court certifying said cause to the district court for the county of St. Louis for a second trial, and that he will then apply to the court to fix the amount of the bond hereinafter provided for, and that he will then propose the names of (*insert names*) as sureties in such bond.

*Third*—The amount of the bond having been fixed by the court and the proposed sureties approved, such bond, conditioned that the party aggrieved will pay the costs of such second trial, and abide any order the court may make therein, and pay all rents, issues, profits and damages justly accruing to the adverse party during the pendency of the action, shall be filed with the clerk of this court within three (3) days thereafter; but the provisions of this section shall not apply to actions that are now pending in said court.

**SEC. 27. The Court to Make Order.**—Upon the filing of such bond the court shall make an order directing that the cause shall be certified to the district court for a second trial therein.

SEC. 28. *Cause to be Certified.*—The clerk of this court shall, within ten (10) days after the filing of such order, certify the cause and all papers of record therein to the district court, and thereafter all proceedings in said action shall be had and conducted in said district court.

SEC. 29. *Judgment—Stay.*—Upon filing the notice provided for in section twenty-six (26), subdivision two (2), together with proof of service upon the adverse party, all proceedings in the action shall be stayed in this court until the further order of the court.

SEC. 30. *Process.*—All process shall be tested in the name of the judge, and issued under the seal of the court, and signed by the clerk, and directed for service to any police officer of the city of Duluth, or the sheriff or any constable of the said counties of St. Louis, Lake and Cook, except as herein otherwise provided.

The forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such form may be changed by the court at any time. In the absence of such prescribed form, the forms of the process in use in the district courts of this state may be changed and adapted to the style of the court, and used at the discretion of the court.

SEC. 31. *Summons and Subpœnas—How Served.*—The summons and subpœnas may be served by any police officer of the city of Duluth, or by any sheriff or constable of the counties of St. Louis, Lake and Cook, or by any other person not a party to the action, and the service shall be made and the summons returned and filed with the clerk of the court with all reasonable diligence.

SEC. 32. *Criminal Proceedings—How Conducted.*—Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to the judge or clerk when not in session, and shall be made in writing, or be reduced to writing by the judge or clerk and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state or of the ordinances, regulations, laws or by-laws of said city. Complaints, warrants and other process in criminal cases may follow substantially the forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of this court, or may be in such other form as the court may prescribe, sanction or approve.

In cases where alleged offenders shall be in custody and be brought before the court or the clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the offender is charged, which statement shall stand in place of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be "guilty" or "not guilty." In case of a failure to plead the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offense may be proved under the plea of not guilty with like effect as if formally pleaded.

In the examination of offenders charged with indictable offenses, such minutes of the examination shall be kept as the court may direct, and be properly returned to the court before which the party charged with the offense may be bound to appear.

SEC. 33. *Costs.*—Costs shall be allowed to the prevailing party in actions commenced in this court, as follows:

*First* — To the plaintiff, upon judgment in his favor, five (5) dollars; to the plaintiff, upon a judgment in his favor, upon a trial upon the merits, where the amount thereof or the value of the personal property recovered, exclusive of disbursements, exceeds fifty (50) dollars, an additional five (5) dollars.

*Second* — To the defendant, upon dismissal or discontinuance after appearance on part of defendant, five (5) dollars, with all disbursements incurred or paid.

*Third* — To the defendant, when judgment is rendered in his favor on the merits after trial of an issue of fact, five (5) dollars, and, if the amount of the money or value of property claimed in the complaint exceeds fifty (50) dollars, an additional five (5) dollars.

*Fourth* — Costs may be allowed on a motion or demurrer, in the discretion of the judge, not exceeding ten (10) dollars, and may be made absolute or directed to abide the event of the action.

*Fifth* — Save as hereinbefore provided, costs shall be allowed in all cases to the prevailing party, as in the district court of the state.

SEC. 34. *Disbursements.* — Disbursements necessarily made or incurred shall in all cases be allowed to the prevailing party.

SEC. 35. *Taxation of Costs.* — Costs and disbursements shall be taxed and allowed by the clerk of said court forthwith and without notice.

SEC. 36. *Clerks and Officers' Fees.* — The plaintiff in any civil action, upon filing his complaint, shall pay to the clerk of said court the sum of two (2) dollars for the use and benefit of the city of Duluth, which sum shall be in full for all costs and fees of said court and clerk, and the police officers of said city, up to and including the entry of judgment and the certifying of transcript of judgment to the district court, and no rebate shall be allowed to any such person making such payment; *Provided*, that upon filing an affidavit for garnishment or attachment or in replevin and accompanying bond, the plaintiff shall pay to the clerk for the use and benefit of the city of Duluth the sum of one (1) dollar, which shall be credited upon the sum of two (2) dollars required upon filing the complaint; *Provided further*, that no police officer of said city shall be required to serve any paper in any cause until the complaint therein shall have been filed; *And provided further*, that in case of execution issued from and by said court and delivered to any police officer of said city, said police officer shall charge and collect the same fees as are by law allowed to constables for like services, such fees to be paid by said officer to the clerk of the court for the use and benefit of said city of Duluth.

SEC. 37. *Costs and Fees in Criminal Cases.* — In all criminal cases tried and determined in said court in which the defendant shall be convicted, the clerk shall tax as costs of court the following sums, to-wit:

In cases where no warrant is issued and the defendant on being arraigned shall plead guilty, the sum of two (2) dollars; in cases where a warrant shall be issued, and the defendant on being arraigned pleads guilty, the sum of two dollars and fifty cents (\$2.50); in cases where the defendant pleads not guilty, and is tried by the court and found guilty, the sum of five (5) dollars; in cases where the defendant pleads not guilty, and is tried by a jury, ten (10) dollars; said sums, respectively, to be in addition to all costs of witnesses, interpreters, and where a jury trial is had, a jury fee of three (3) dollars.

In cases where the defendant is found guilty and pays the fine and costs adjudged and imposed upon him, the clerk shall immediately pay to said witnesses and interpreter the fees they may be entitled to receive. In cases where the defendant is found not guilty, or shall be found guilty and fail to pay the fine and costs imposed, then the fees of said witnesses and interpreter shall, in all cases where the state is a party, be chargeable to and against the county of St. Louis, and in cases to which the city of Duluth is a party such fees shall be chargeable to and against the city of Duluth. When the fees of any witness or interpreter in such cases are chargeable to and against the county of St. Louis, the clerk of said municipal court shall deliver to each witness or interpreter a certificate signed by said clerk for the number of days and miles traveled, for which he is entitled to receive compensation, and said certificate shall be filed with the county auditor, who shall issue his warrant upon the county treasurer for the amount due, which certificate shall be a sufficient and proper voucher for the issuance of said warrant. When the fees of witnesses or interpreters in said cases shall be chargeable to and against the city of Duluth, the clerk of the said municipal court shall make out and certify an order for such witness or interpreter for the amount due said witness or interpreter, and when so drawn and signed by the clerk the same shall be countersigned by the comptroller, when the same may be presented to the city treasurer, who shall pay the same without any other or further order or action; and said treasurer may hold said order as his voucher for, and to be used in settlement with, the common council.

The fees of all witnesses and interpreters on the part of the state, in any preliminary examination of offenders charged with an indictable offense, or in proceedings under Chapter seventeen (17), General Statutes of one thousand eight hundred and seventy-eight (1878), shall be chargeable to and against the county of St. Louis, and shall be paid in the manner hereinbefore provided for the payment of witnesses and interpreters in criminal actions whereto the state is a party, tried and determined in said court; and save and except as herein provided, no costs in criminal actions shall be taxed or charged against the city of Duluth, the county of St. Louis or the state of Minnesota; *Provided*, that the judge of said court may have power in his discretion to order the witness fees of any defendant in any criminal action who shall be acquitted after trial or examination to be paid in the same manner as witnesses for the prosecution.

**SEC. 38. Trial by Jury—Demand and Fee.**—The party desiring a jury in any civil action shall be required to advance and pay to the clerk of said court, on the first (1st) day of the term at which such action is set for trial, a jury fee of three (3) dollars for a jury of twelve, and one dollar and fifty cents (\$1.50) for a jury of six, for the use and benefit of the city of Duluth; and unless such jury is demanded and such fee paid upon the calling of the calendar upon the first (1st) day of the term at which the same is set for trial, it shall be considered to be, and the same shall be, waived, and said action decided by the court.

**SEC. 39. Jury cases—How Set for Trial.**—The trial of jury cases shall take precedence of court cases, and in the calling of the calendar on the first (1st) day of each general term all cases to be tried by jury shall be set for trial commencing with the second (2d) day of such term, and there shall be one (1) or more jury cases set for said second

(2d) and each succeeding day of said term, until all such jury cases are set for trial; and the trial of jury cases shall commence on the second (2d) day of each general term, and be continued and proceeded with from day to day until all such jury cases so set for trial shall have been tried or otherwise disposed of.

SEC. 40. *Trial by Jury.*—Trial by jury in said municipal court shall in all respects be conducted as in the district courts of this state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court; except, however, as in this act otherwise provided.

SEC. 41. *Jury of Six—When.*—Upon consent of both parties entered upon the record, a jury of six (6) may be ordered by the court.

SEC. 42. *Number of Jurors to be Drawn for each General Term.*—Twenty-four (24) jurors shall be drawn for each general term of said court, and shall be summoned to appear at said court at ten (10) o'clock in the forenoon of the second (2d) day of the term for which they are drawn to attend and serve as jurors for the trial of civil actions in said court, and shall so remain in attendance, unless excused by the court, until the jury cases for such term are concluded and they are finally discharged for the term by order of the court.

SEC. 43. *Jury — Method of Drawing.*—The mayor or acting mayor of the city of Duluth, the city clerk and the judge of said municipal court shall, on the first (1st) Monday in January and July of each year, meet at the office of the city clerk, and from the legal voters of said city select and designate one hundred and forty-four (144) legal voters of said city as jurors for said municipal court, to serve therein when required and drawn during the succeeding six (6) months, and until their successors are selected and certified, and shall thereupon certify said names so selected to the clerk of said municipal court, who shall thereupon write said names upon ballots and place the same in a wheel or box, and on the Tuesday next preceding the beginning of each general term, the clerk of said municipal court shall by lot draw twenty-four (24) ballots therefrom, and the persons named upon the twenty-four (24) ballots as drawn shall be forthwith summoned to attend at said court on the second (2d) day of the term next ensuing and until excused or discharged by the court; *Provided, however,* that the jurors selected and constituting the jury list of said court at the time of the passage of this act shall be and constitute such jury list from which juries shall be drawn as herein provided until the expiration of the six (6) months for which they were selected, and until their successors are selected and certified under the provisions of this act.

Out of the jurors so drawn and summoned juries shall be selected and impaneled when required, in the same manner as in the district courts of this state, but no juror shall be required to attend as such more than two (2) terms in each year. As fast as each series of twenty-four (24) jurors shall have so served, the ballots containing their names shall be placed in an envelope, until the whole one hundred and forty-four (144) shall have been drawn, when they shall all be again returned to the wheel or box to be again drawn as before.

Whenever a jury is required in a criminal case, or whenever, in the opinion of the judge of said court, it is deemed necessary, the court shall have the power to order a special venire to issue to the proper officer, commanding him to summon from the city at large the num-



ber therein named as competent persons to serve as jurors in said court.

SEC. 44. *Fine for Non-attendance.*—If any person duly drawn or summoned to appear in said court as juror neglects to so attend without sufficient excuse, he shall pay a fine not exceeding thirty (30) dollars, which shall be imposed by the court, or be imprisoned until such fine is paid, not exceeding thirty (30) days.

SEC. 45. *Jurors—How Paid.*—Jurors summoned and attending as aforesaid in said municipal court shall be entitled to like compensation as jurors in the district court, and shall be paid out of the treasury of said St. Louis county. The clerk of said municipal court shall deliver to each juror so attending a certificate for the number of days attended and miles traveled, for which he is entitled to receive compensation. Such certificate of the clerk of said municipal court shall be filed with the county auditor, who shall issue his warrant on the treasurer of said county for the amount due, which certificate shall be a proper and sufficient voucher for the issuance of said warrant.

SEC. 46. *Appeals to the Supreme Court.*—Any cause including acts under Chapter eighty-four (84) of the General Statutes of the year one thousand eight hundred and seventy-eight (1878) may be removed from said court to the supreme court of this state in like manner, and upon like proceeding and with like effect, as from the district courts of this state.

SEC. 47. *Transcript.*—No judgment rendered in said court shall attach and become a lien upon real estate until a transcript shall be filed in the district court, as hereinafter provided for, but writs of execution thereon in civil actions may issue upon entry of judgment, against the goods, chattels, rights and credits of the judgment debtor, returnable within thirty (30) days.

Every person in whose favor a judgment is rendered in said municipal court may, on payment of all costs, if any, remaining unpaid, demand and receive from such clerk a transcript of such judgment duly certified, and file the same in the office of the clerk of the district court for the county of St. Louis, who shall file and docket the same, as in the case of transcript of judgments from courts of justices of the peace, and every such judgment shall become a lien upon the real estate of the debtor from the time of filing such transcript, to the same extent as a judgment of said district court, and shall thereafter, so far as relates to the enforcement of the same, be exclusively under the control of said district court and be carried into execution by its process the same as if entered in said district court. The clerk of the municipal court shall not issue such transcript while the writ of execution is in the hands of an officer, and not returned or lost, and shall note on the record that such transcript has been given, and shall not thereafter issue a writ of execution on such judgment, but at any time may issue a new transcript of such judgment in case of loss or mistake in the transcript first given.

SEC. 48. *Police Officers—Process in Criminal Actions.*—The police officers of the said city of Duluth are hereby vested with all the powers of constables under the statutes of this state, as well as at common law. It shall be the duty of the police officers of said city to serve all process or other papers issued by said court in the course of criminal proceedings. All such process shall be delivered to the chief of police, and it shall be his duty to see that all such process is faithfully

served and duly executed. Where process is required to be served outside the city limits, such process shall be served by the sheriff of the county of St. Louis, or by a deputy sheriff or any constable of the counties of St. Louis, Lake or Cook; *Provided*, that the sheriff shall receive similar fees as are by law allowed to constables for like services.

**SEC. 49. *Police Officers.***—It shall be the duty of the mayor of said city to see that a sufficient number of police officers are always in attendance upon said court, and in readiness to obey its mandates, serve its process and preserve order under its proceedings; and said mayor shall have the power in his discretion to appoint not exceeding three (3) persons, to be approved by said judge of said municipal court, as policemen for special attendance and duty in said court, irrespective of the general or special rules or legal regulations or enactments relative to the qualifications of policemen; but such person shall receive the same and no greater compensation, unless the council directs greater compensation, than ordinary policemen. And all policemen attending such court may be required to give bonds to said city, in such sum as the judge of said court shall direct, for the faithful performance of their duty, such bonds to be for the use of all persons interested; *Provided, however*, that nothing herein contained shall affect the powers and duties of the general police in said court; and if any fee, gratuity or reward shall be paid to any police officer for any service, he shall forthwith pay the same over to the clerk of said municipal court for the use of said city, and the failure so to do shall be a misdemeanor, punishable by a fine not exceeding one hundred (100) dollars or by imprisonment not exceeding thirty (30) days.

**SEC. 50. *Court Confirmed.***—All civil and criminal actions pending and undetermined in the municipal court of said city of Duluth after the passage of this act and all other proceedings in progress at said date in said court shall proceed without interruption in the court designated and established in this act, and the court herein designated shall have the custody and control of all the records of the present municipal court to the same extent as though said actions and proceedings had been instituted, and the said orders and determinations and judgments had been made and entered, by the court herein designated and established.

The enactment of this statute shall save and confirm all rights gained and privileges acquired under and by virtue of the legislation by which the present municipal court of the city of Duluth was created, and under and by virtue of any act by the legislature amendatory of such legislation.

**SEC. 51. *Salaries.***—The salary of the judge of said municipal court shall be three thousand (3000) dollars per annum. The salary of the clerk of said municipal court shall be fifteen hundred (1500) dollars per annum, and the salary of the first deputy clerk of said court shall be nine hundred (900) dollars per annum, and that of any other deputy clerks six hundred (600) dollars per annum each. The salary of the official stenographic reporter of said court shall be one thousand (1000) dollars per annum. The city attorney shall receive a salary of six hundred (600) dollars per annum, exclusive of the salary paid said officer by the common council of said city. The salary of each of said officers shall be payable from the city treasury of the city of Duluth in monthly installments, and neither of said officers shall receive any other fee or compensation for his services.

SEC. 52. *Manner of Paying Salary.*—It shall be the duty of the clerk of said court, at the end of each month, to make out and certify an order for each of the officers of said court for the respective amounts due each for the preceding month, and when so drawn and signed by the clerk of said court the same shall be countersigned by the mayor or acting mayor of said city and the comptroller, when the same may be presented to the city treasurer, who shall pay the same out of any funds belonging to said city without any other act necessary to be done in the premises, and the city treasurer may hold said order as his voucher to be used in settlement with the common council.

SEC. 53. *Inconsistent Acts Repealed.*—All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 54. *When to Take Effect.*—This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

## CHAPTER 54.

[H. F. No. 717.]

AN ACT TO AMEND "AN ACT PROVIDING FOR A SYSTEM OF PUBLIC GROUNDS FOR THE CITY OF DULUTH," APPROVED MARCH 25, A. D. 1889.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That chapter four hundred and one (401) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), said chapter being an act entitled "An act providing for a system of public grounds for the city of Duluth," approved March 25, 1889, is hereby amended by substituting for sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22) and twenty-three (23), respectively, the following, to-wit:

Sec. 1. There is hereby established a department of the government of the city of Duluth, named the board of park commissioners of the city of Duluth, consisting of five (5) commissioners, designated and appointed as follows, to-wit: The mayor of said city, *ex officio*, shall be one of said commissioners and during the month of April in the year eighteen hundred and ninety-one (1891) the said mayor, with the advice and consent of the judges of the district court for the county of St. Louis residing in said city, shall appoint four (4) citizens of said city to be the remaining four (4) commissioners; and annually thereafter during the month of January, in like manner, one member of the board, for the term of four (4) years from the first (1st) day of February following, and until his successor is appointed and duly qualified for his official duty, shall be appointed. And in the event of vacancy at any time existing, the said mayor shall, in like manner, appoint to fill such vacancy for the remainder of the unexpired term of office vacated.

The members of the board shall receive no compensation for their services, but may be reimbursed for all expenses incurred in the performance of their official duties.

No member of the board shall be pecuniarily interested in any contract made nor in any property purchased by or under the authority of the board; *Provided*, that in the event of such interest in any lot, tract or parcel of land, which may be designated for the purposes of this act, the person or persons so interested, shall be entitled to receive compensation therefor as prescribed herein, but shall not act officially with respect thereto, nor in any matter for determination by the board in which such interest may be involved.

Sec. 2. The members of the board, except the mayor of the city, before entering upon the duties of office, shall each make official oath or affirmation in writing and give bond to the city of Duluth in the penal sum of five thousand (5,000) dollars each, with two (2) or more sureties to be approved by one of the judges of said district court, conditioned for the faithful discharge of their official duties; and said oath or affirmation, together with the said bond, shall be filed with the city clerk.

In the event of the failure of any person so as aforesaid appointed to qualify as aforesaid for official duty within thirty (30) days after such appointment, the place of such person in the board shall thereby be vacated.

As soon as convenient after qualifying as aforesaid, said commissioners, so as aforesaid for the institution of said board appointed, shall decide by lot the duration of their respective terms of office, said term being from one (1) to four (4) years respectively from the first (1st) day of February, A. D. one thousand eight hundred and ninety-one (1891), and until their successors are respectively appointed and have duly qualified.

Sec. 3. A majority of the members shall constitute a quorum; but no action of the board designating, purchasing or leasing lands or directing the issuing of bonds of the city of Duluth shall be valid unless approved by four (4) members thereof.

The board shall have an office convenient for public access, provided and furnished by the common council of said city; shall adopt a seal for the authentication of its official action; and shall have authority in behalf and in the name of the city of Duluth to make, perform and enforce contracts to carry out the purposes of this act; and annually, in the month of February, shall report to the common council of said city, its proceedings during the year immediately preceding, including in such report a statement in detail of all receipts and expenditures.

Sec. 4. The officers of the board shall be a president and vice president, who shall be members thereof, and a secretary, to be chosen by the members of the board immediately upon the ascertainment of their respective terms of office.

The president shall preside at all meetings of the board and execute, in behalf of the board and said city respectively, all contracts made for the purposes of this act, and shall have entire supervision of the affairs of the board.

The vice president, in the event of absence, disability or resignation of the president, shall perform said duties in his place.

The secretary shall keep a complete record of all the proceedings and have charge of all the official plats and maps of the board, and the same shall be open to public inspection.

Sec. 5. The board shall have the authority, and it shall be its duty, to plan and establish a system of public parks and parkways for said city; to designate the grounds to be appropriated and acquired for such purpose within or beyond the corporate limits of said city, in the county of St. Louis, a plat of the premises designated to be prepared and filed in the office of the board at the time of such designation; and upon obtaining title or the right of possession to the same or any part thereof for said city, shall take possession thereof, and exercise exclusive authority for the improvement, use, supervision and government of the same for park purposes. And for the purposes aforesaid is authorized to contract for labor and materials, and to appoint subordinate officers and employ employees, and fix the compensation for their services.

Sec. 6. All parks and parkways and all public grounds of whatsoever description, dedicated or in any manner set apart or acquired for park or parkway purposes in said city, are hereby placed under the supervision and control of said board, and the common council of said city may, by a three-fourths ( $\frac{3}{4}$ ) vote, at any regular meeting thereof, place any street or avenue or part thereof under such control to be used as a parkway. And the board is authorized to acquire, including, for the purpose of such acquirement the exercise of the right of eminent domain, for and in the name of said city, by purchase, lease or otherwise, any and all property so as aforesaid designated for the purposes of this act, and for said purposes to accept for and in the name of said city any donation, gift, bequest or devise, and to contract in the name of said city for the purchase of property to be paid for at such time or times and in such manner as the board may determine, and to accept title thereto and secure the payment of all or any part of the purchase money therefor, by mortgage of the property so purchased or any part thereof, in the name of said city, with or without the issue of the bonds of said city in evidence of the indebtedness therefor; *Provided*, that when the board of park commissioners shall have determined that it is desirable to acquire private property for park purposes, by lease or purchase, or by the exercise of the right of eminent domain, it shall be its duty, before proceeding to acquire the same, to make out and submit to the common council of the city of Duluth a plat showing the land sought to be acquired and a statement showing the price and terms on which the owners will sell; or, if the land is to be acquired by condemnation, the probable expense of the same, the amount of money which the park fund has to its credit, to apply in the payment of the lands so sought to be acquired, and the amount of money which the board believes can be raised by assessments as hereinafter provided. If, from an examination of said plat and statement, it shall appear that the board has or will have sufficient funds to pay for said lands at the time that payment therefor is to be made, or that, with the amount it will have at such time, it may raise from a sale of bonds or from assessments a sufficient amount of money to pay the cost of acquiring said property without interfering with the general financial operations of the city, the common council shall indorse its approval of such acquirement upon the statement and plat, and thereupon the board shall proceed to acquire the property in question, by purchase, lease or condemnation, as may be necessary and expedient; *Provided further*, that no contract for the purchase or lease of land, the proposed condemnation of which has been approved by the council, shall be binding upon the city until

the same shall have been approved by the council; and all the land which may be so as aforesaid acquired for park and parkway purposes shall remain forever appropriated for such use, subject to such ordinances, rules and regulations as said board may prescribe. And with respect to the property purchased with the proceeds of the bonds of said city issued for such purpose, subject to the lien of the bonds which may be issued for the purchase of the same, which said lien, in case of non-payment of the obligation of said bonds at maturity thereof, or of the interest thereon when due, may be enforced by sale of said property, pursuant to decree rendered by any court of competent jurisdiction therefor; *Provided*, that any part of said property so as aforesaid acquired may be sold, subject to all liens thereon, by order of court as hereinafter prescribed. And for the purpose of such sale said board is authorized, upon the affirmative vote of four (4) members thereof, at any time to contract for the sale of any portion of the property included in the system of parks and parkways belonging to said city; and upon petition to the said district court for the confirmation of such sale, and the order of the court confirming the same, after notice by publication or otherwise, as the court may prescribe, to all interested parties, is authorized to convey the same to the purchaser or purchasers thereof, such conveyance to be made by instrument in writing in due form executed in the name of said city by the president of the board, with the official seal of the board, attested by the secretary, thereunto affixed. Said court is hereby empowered to make and enforce all orders, judgments and decrees in the premises deemed proper by said court, and such conveyance shall vest in the grantee or grantees all right, title and interest of said city to and in said property, and the purchase money therefor, when received, shall be paid to the city treasurer, and by said treasurer shall be placed to the credit of the city park fund.

Sec. 7. The board is authorized to institute proceedings for the condemnation for the use of said city of any land or interest therein which may have been by the board designated for park or parkway purposes, and when said proceedings shall have been completed in the manner hereinafter prescribed, and the compensation awarded for the property thereby taken shall have been fully paid, the title thereto in fee shall be vested in said city.

For the purpose of such condemnation the board shall proceed in the following manner: Notice shall be given by publication once each week, for at least four (4) consecutive weeks, in the official newspaper of said city, that the board has determined to acquire such property (*describing the same—terms of general description, referring to the official plat of the premises filed in the office of the board, being sufficient*) for park or parkway purposes, and on a certain day, naming it, will apply to said district court at a time and place to be therein specified, for the appointment of three (3) appraisers to ascertain the just compensation to be made for the same.

Any person interested may appear in said proceedings, and at the time and place designated in said notice the board shall, upon a copy of the resolution for such condemnation, certified by the secretary of the board and proof of notice as aforesaid, filed with the clerk of said court, apply as aforesaid for the appointment of said appraisers; and said court shall thereupon hear said application and determine the same.

Said appraisers shall be freeholders and residents of said city, and shall be notified as soon as practicable by the secretary of said board to attend at a time and place to be stated in said notice for the purpose of qualifying and entering upon their duties; and in the event that any such appraiser refuses to attend as aforesaid he shall, except as hereinafter provided, forfeit and pay a fine to the said city not exceeding fifty dollars (\$50), and shall be liable to prosecution therefor, as in case of fine imposed for the violation of an ordinance of said city; *Provided*, that any person so appointed may be excused by said court from serving as such appraiser, and if a person so appointed shall be disqualified, or die, or be excused by the court from serving, the court, upon application by the board, may appoint another appraiser in his place.

The appraisers, before entering upon the discharge of their duties, shall make oath or affirmation that they will faithfully perform the same, and will ascertain and report the just compensation to be made for the property to be taken. They shall appoint a time and place for hearing, and give ten (10) days' notice thereof by publication in the official newspaper of the city, and shall view said property and hear all legal evidence offered by the board or any person interested in the property, and shall ascertain and appraise the value thereof and the amount of the benefit or damage to the owner or owners thereof, with respect to adjacent property, resulting from such taking. The value of the property to be taken and the benefit or damage aforesaid, if any, shall be assessed in separate sums, and said value, adding thereto said damage, or deducting therefrom said benefit, as the case may be, shall be awarded. If there shall be any building, in whole or in part, upon the land to be taken, the said appraisers shall determine the amount of damage which shall be paid to the owner thereof, in case such building, or so much thereof as may be necessary, should be taken, and also the amount to be paid in case of election to remove the same. The damage with respect to such building shall be appraised separately from the damage with respect to the land upon which the same is erected. If the land and building belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate therein less than an estate in fee, the damage to such persons, or with respect to such interests respectively, may be awarded by the appraisers; *Provided*, that neither such award of the appraisers, nor the confirmation thereof as hereinafter specified, shall be deemed to require payment of such damages to the person or persons named in said award, in case it shall transpire that such person or persons are not entitled to receive the same.

The said appraisers shall, within sixty (60) days after qualifying, or within such further time as the court may grant, report in writing under oath to said court.

Said report shall set forth the award made to each owner, and the benefit or damage assessed with respect to adjacent property, separately stated, and also a statement of the expenses incident to the appraisal. Upon the filing of such report, the board shall give ten (10) days' notice, by not less than three (3) publications in the official newspaper of the city, that said appraisal has been reported, and that application will be made to said court at a time and place mentioned in said notice to consider the same, and at such time and place the court shall review the report. Exception thereto may be taken,

either by the board or any person interested, such exception being in writing; and the board shall have the right, at any time before final confirmation of said report, to withdraw such proceedings, upon payment of the costs thereof. The court shall have power to revise, amend or confirm said appraisalment, in whole or in part, or to order a new appraisalment, and the same revise, amend or confirm, upon like notice; and the order of the court confirming the appraisal when made shall be attached to or indorsed upon the appraisalment roll, and said appraisalment and all things contained therein shall thereupon be deemed *res adjudicata*. No appeal shall be allowed therefrom, and the same, with evidence of payment of the compensation therein awarded, shall constitute complete justification of the taking of the property condemned. Within a reasonable time, not to exceed six (6) months after the confirmation of said appraisalment, the city of Duluth shall make to the person or persons entitled thereto the compensation awarded and adjudged as aforesaid; and in case any such person or persons refuse the same, or if the owner of the property be unknown or incapacitated, or the ownership thereof be doubtful, the board may pay the amount of such compensation into the court in which said proceedings were had, with a statement of the facts and circumstances of the case, and the court shall have the power to order the investment of the same, and may direct proceedings to ascertain who is entitled thereto, and order payment accordingly.

In case of election by the owner of any building, situated as aforesaid, to remove the same, such removal shall be made within thirty (30) days from the confirmation of said report, or within such further time as the board may allow for the purpose, and the owner thereof shall thenceforth be entitled to payment of the amount awarded in such case. In case such owner shall not elect to remove such building, or shall neglect, after having so elected, to remove the same within said time, such building, or so much thereof as may be necessary, upon payment or deposit of the amount of damage awarded for such taking in manner aforesaid, may be appropriated and sold or disposed of as the board shall direct, and the proceeds, if sale is made thereof, shall be placed in the park fund.

Upon completion of said proceedings for acquiring title, it shall be the duty of the board to cause an accurate description of the property so taken to be prepared, with a statement of the amount of damages, if any, awarded and paid to each former owner thereof, certified by the president of the board, under the official seal thereof attested by the secretary, and to file the same on record in the office of the register of deeds of said county, and it is hereby made the duty of the register of deeds to record the same in the records of the transfers of real estate in said county; and said record shall be *prima facie* evidence of the title of the city of Duluth to said property. It shall also be the duty of the board to file with said register of deeds, plats of all property acquired pursuant to the provisions of this act; and the same shall be kept of record in the office of said register of deeds in like manner as plats of divisions of and additions to the city of Duluth.

Sec. 8. The said city is authorized to cause special assessments to be levied for special benefit derived from the appropriation of any property in any manner for park or parkway purposes, and for such levy shall proceed as follows, to-wit:



Upon acquirement of title by said city to any property for the purposes of this act, the board of park commissioners shall report to the board of public works of said city the location and cost of the property so acquired (or if the same shall have been acquired without cost to said city, the location and estimated value thereof), and it shall thereupon be the duty of said board of public works to determine the specific lots, tracts and parcels of land, if any, specially benefited, and the amount of such special benefit, beyond the general benefit to all real estate in said city, derived from such acquirement for park and parkway purposes, and to assess such specially benefited property therefor. Said lots, tracts and parcels of land so determined and assessed shall be deemed and held to be all the lots, tracts and parcels of land specially benefited by such acquirement, and all such assessments shall be levied, confirmed and collected and shall be a lien upon the property assessed in like manner as is prescribed by law for other assessments for local improvements under the supervision of said board of public works.

Sec. 9. The said city is authorized to cause special assessments to be levied for special benefit derived from any improvement of any park or parkway made by said board, and for the said purposes of such levy shall proceed as follows, to-wit:

Upon the completion of any such improvement, the board of park commissioners shall report to said board of public works, the location, kind and cost of said improvement; and it shall thereupon be the duty of said board of public works to determine the specific lots, tracts and parcels of land specially benefited thereby and the amount of the special benefit, beyond the general benefit to all real estate in the city, derived from such improvement thereby, and to assess such specially benefited property therefor. Said lots, tracts and parcels of land so determined and assessed shall be deemed and held to be all the lots, tracts and parcels of land specially benefited by said improvement, and all such assessments shall be levied, confirmed and collected, and shall be a lien upon the property assessed in like manner as is prescribed by law for other assessments for local improvements under the supervision of said board of public works.

Sec. 10. The board is authorized to adopt such ordinances, rules and regulations for the proper use and enjoyment of all parks and parkways belonging to said city, as in its discretion may be deemed advisable, and to establish and enforce such fines and penalties as may be affixed thereto for the violation thereof. Publication of the same shall be made in the official newspaper of said city, and the same shall be enforced by prosecution in the municipal court thereof.

The city attorney of said city shall be the legal advisor of said board and shall take charge of the prosecution in the municipal court of said city of all offenders for the violation thereof. And the clerk of said court shall receive payment of all fines and penalties imposed by said municipal court for such violation, and shall keep accurate account of the same, and on the first (1st) Monday of every month pay the same to said city treasurer, and the same shall be by said city treasurer kept to the credit of said board in said city park fund.

The mayor of said city shall, upon request of the board, appoint as policemen such persons as the board may designate. Said policemen shall be under the direction and control of, and may be discharged by, the board, and shall be paid for their services by the board. The po-

licemen so appointed shall have all the common law and statutory authority of other city policemen and of constables; and any warrant for search or arrest issued by any magistrate in said city or in said county may be executed by any such special policemen in any part of said city or elsewhere within the jurisdiction of the board.

Sec. 13. The board shall annually, on or before the first (1st) day of October, transmit in writing to the county auditor of said county a statement of the amount of the interest to be paid on all the bonds of said city issued by the board and on all obligations incurred by the board, together with an estimate of the amount of money required for the maintenance, government and improvement of said parks and parkways during the next succeeding year, the total amount not to exceed one-tenth ( $\frac{1}{10}$ ) of one (1) per cent of the valuation of all taxable property of said city, according to the last preceding assessment return; and said county auditor shall thereupon determine the rate per cent of said total amount on said valuation, and in the next general tax list for the state, county and city taxes in said city, shall extend in a separate column under the heading "Park Tax," the *pro rata* tax chargeable for such purposes to the several persons, corporations and lots and parcels of land therein listed, and the same shall be collected in the manner prescribed by law for the collection of other city taxes, and all proper and due proceedings for the enforcement of the same shall apply therefor.

Sec. 14. All funds obtained by the county treasurer of said county from the annual tax levy herein authorized shall be paid by said county treasurer to said city treasurer from time to time, when settlements according to law are made between said treasurers, and the same, together with all funds obtained by said city treasurer from the collection of assessments for special benefit herein authorized and from the sale of the bonds of said city issued for park and parkway purposes, and the proceeds of the sale of property made by virtue of the authority herein conferred, and all funds obtained for the purposes of this act by donation or bequest, or in any manner otherwise, including all payments of fines and penalties imposed for the violation of any of the provisions of this act, shall constitute a separate fund in the city treasury of said city, to be designated "Park Fund." Said fund shall be kept to the credit of said board of park commissioners by said city treasurer, and shall be paid by said city treasurer, upon the warrants of the board signed by the president and attested by the secretary thereof and countersigned by said city comptroller.

Sec. 15. The board is authorized to construct bridges and viaducts over any and all watercourses, roads and ways of whatsoever description within or on the line of any park or parkway belonging to said city, and whenever the title shall have been acquired, for the purposes of this act, to land upon the shore of any lake, pond or watercourse, said board may control and regulate the use of such shore and the water contiguous thereto, and may impose fines and penalties for the violation of such ordinances, rules and regulations as it may adopt with respect to the use of all such property.

Sec. 16. The board is authorized to vacate and discontinue any and all streets, avenues, alleys, roads and thoroughfares of whatever description (except railroads for commercial purposes and graded streets) which pass through, divide or separate any tracts of land owned or hereafter acquired by said city for public parks; *Provided*, that the

foregoing shall not be held to authorize the vacation of streets, avenues or other highways crossing parkways or boulevards connecting public parks or leading therefrom; but no such highways shall hereafter be laid across said parkways or boulevards, except with the consent of the board of park commissioners.

Sec. 17. No road, railroad or thoroughfare of any description shall ever be laid out, located or constructed through or over said parks or parkways, or any part thereof, except upon the consent of the board thereto; *Provided*, that the board shall designate the location of such passage ways across said parks and parkways as may be necessary for public use.

Sec. 18. No telegraph, telephone, electric lights or other wire, nor the posts or supports therefor, shall be placed or erected in, over or upon said parks or parkways, or any part thereof, without the consent of said board, and the same shall at all times be subject to such regulations and conditions as the board may impose or require.

Sec. 19. No trench or excavation for sewage or for gas, water or other pipes or subways shall be opened or made in said parks or the public grounds of said city, or any part thereof, without the consent of said board; *Provided*, that the foregoing shall not be held in any event to prevent the board of public works and common council of said city from providing and carrying out a general system of sewerage or water or light plants for said city and its inhabitants.

Sec. 20. It shall be unlawful for any municipal authority, state, county, town or city, or any officer thereof, to license or permit the sale of intoxicating liquors within four hundred (400) feet of any park or parkway belonging to said city.

It shall be unlawful for any person to offer or keep for sale any intoxicating liquor within said limits, and for the violation in any manner of the provisions of this section with respect to intoxicating liquor the offender, upon conviction in any court of competent jurisdiction therefor, for each and every such offense shall be sentenced to pay a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, and upon default in the payment of such fine shall be confined in the city jail for a term of imprisonment not exceeding sixty (60) days, or until such fine is paid.

Sec. 21. The board of park commissioners herein established shall be in all respects the lawful successor of the existing board of park commissioners of said city, as constituted by, and by virtue of the authority conferred by, the act of legislature herein amended. This act shall not be deemed or held to invalidate or impair in any respect whatever the proceedings, or any action whatever of, or any obligation incurred by said city or said board in behalf thereof, or any lien established or acquired by virtue of any such proceedings or action. The terms and provisions of this act, in all respects in which the same are applicable, shall apply to said proceedings, action, obligation or liens. The appointment of the members of said existing board heretofore made is hereby confirmed, and all the proceedings of said existing board are hereby legalized; *Provided*, that, upon the appointment of the members of the board herein established and due qualifying by the same respectively for the discharge of their duties of office, the respective terms of office of said existing members shall cease.

Sec. 22. The board of county commissioners of said county, upon a majority vote of its members, with a view to the extension of any

parkway belonging to said city, and the benefit of said county, is authorized to place under the control of said board of park commissioners, for improvement, maintenance and supervision as a public parkway, any existing road, and any proposed road intended for such improvement, maintenance and supervision, within the limits of said county, including as such proposed road, the widening or extension of any such existing road; the route and termini of such proposed road being designated, and the maximum cost of acquiring for said county the requisite rights of property therefor being fixed in the resolution for such control; *Provided*, that no such authority shall be exercised by said board of county commissioners within the limits of any incorporated city or village.

Upon receipt of a copy of said resolution, duly certified, said board of park commissioners shall thereupon, with respect to any such proposed road, cause proper survey of the proposed route of the same to be made and a plat thereof to be prepared, duly certified by the president and attested by the secretary of said board, and shall file the same in the office of said register of deeds and proceed to acquire for said county the premises for the purposes aforesaid, in the manner hereinbefore set forth for the acquirement of lands for park purposes for said city; and for such purposes may acquire land to such width as in the discretion of said board of park commissioners may be deemed requisite, including land on either side and both sides of any such existing road. Said acquirement may be made by agreement with the owner of the premises, for the gift of the same to said county, or upon compensation in money therefor, or by proceedings in condemnation; and said board of park commissioners is authorized to enter into such contracts, in behalf of said county, as may by said board of park commissioners be deemed expedient for such purpose, and for the location, opening, improvement and maintenance for parkway purposes of all roads so controlled; and to issue orders upon the county treasurer of said county, bearing seven (7) per cent per annum interest, in payment of the cost of said acquirement, and the expense of such location, opening, improvement and maintenance; *Provided*, that said county shall not incur any liability therefor in excess of the amount fixed by said board of county commissioners.

In the event of the institution of proceedings for the acquirement of land for such purposes by condemnation, all the provisions of section seven (7) of this act shall apply therein so far as the same may be applicable; *Provided*, that in the notice of application for the appointment of appraisers to award the just compensation therefor the land so to be acquired shall be described by reference to said plat so as aforesaid filed; and that, within six (6) months after the confirmation of the report of said appraisers, payment of the compensation therein awarded shall be made by said county to the persons entitled thereto; and that the proceeds of such sales, if any, as are in said section seven (7) authorized, shall be paid to said county treasurer and by said treasurer kept to the credit of the county parkway fund of said county.

Upon acquiring the title to the possession for said county, the said board of park commissioners shall cause its official certificate of the fact and date of such acquiring to be filed in the office of the said register of deeds. Record of entry of the same shall be made by said register of deeds on the said plat of said proposed road, so as afore-

said filed; and said board of park commissioners shall thereupon proceed to improve the premises according to such plan as may be by said board of park commissioners adopted; *Provided*, that the amount of outlay for such improvement and of the annual outlay for the maintenance, repair and further improvement, and for the supervision thereof, shall not exceed the sum fixed for such purpose by said board of county commissioners.

Said board of county commissioners is hereby authorized to levy assessments in behalf of said county for the cost of acquiring such lands, and for the cost of locating, opening and improving the same for use as aforesaid, upon all real estate in said county, without the limits of any incorporated city or village, deemed by said board of county commissioners specially benefited thereby, and for this purpose shall proceed as follows:

Upon receipt of notice from said board of park commissioners of the filing of the certificate aforesaid in the office of said register of deeds, the said board of county commissioners, by publication for three (3) successive weeks in a weekly newspaper published in said county, shall give notice of the time and place of meeting to make the said assessment for the cost of such acquirement; describing in said notice the property acquired (terms of general description being sufficient) and stating the cost of acquiring the same. At such time and place the said board of county commissioners shall assess, upon the premises by said board of county commissioners deemed specially benefited thereby, the cost of such acquirement, all persons interested being entitled to be heard. And, upon completion of such assessment, said board of county commissioners shall cause notice to be published in like manner as aforesaid in this section prescribed, that at a certain date, naming it, not less than ten (10) nor more than twenty (20) days after the last publication thereof, they will apply to said district court, for an order confirming the said assessment. At such time and place, upon proof of publication of the notice aforesaid, the said judge or said court shall hear the said application and the objections of all persons interested in the said assessment, and may revise, amend or confirm the same in whole or in part, or may order reassessment in whole or in part, and the same revise, amend or confirm in whole or in part. The order of confirmation when made shall be indorsed on the assessment roll, and thereupon all things therein confirmed shall be deemed *res adjudicata*, and no appeal therefrom shall be allowed. Said assessment roll shall thereupon be filed in the office of said county auditor, who shall enter the items of assessment therein confirmed against the lots or parcels of land therein described to which the same apply, with the taxes for the same or the next ensuing year, and said assessments shall be collected in the manner prescribed by law for the collection of county taxes, and the same, when collected, shall be kept by said county treasurer to the credit of said county park fund.

And upon receipt by said board of county commissioners of notice in writing from said board of park commissioners of the opening for public use of any such parkway, upon the completion of the improvement of the same for such purpose, said board of county commissioners, by like publication as aforesaid in this section prescribed, shall give notice of the time and place of meeting to make said assessment for the expense of the location, opening and improving of such park-

way, describing the same in said notice (terms of general description being sufficient), and stating the amount of such expense. At such time and place, upon proof of publication of the notice aforesaid, the said court shall hear the objections of all persons interested in the said assessment, and may revise, amend or confirm the same in whole or in part, or may order reassessment in whole or in part, and the same revise, amend or confirm in whole or in part. The order of confirmation when made shall be indorsed on the assessment roll, and thereupon all things therein confirmed shall be deemed *res adjudicata*, and no appeal therefrom shall be allowed. Said assessment roll shall thereupon be filed in the office of said county auditor, who shall enter the items of assessment therein confirmed against the lots and parcels of land therein described to which the same apply, with the taxes for the same or the next ensuing year, and said assessments shall be collected in the manner prescribed by law for the collection of county taxes, and the same, when collected, shall be kept by said county treasurer to the credit of said county parkway fund.

The said board of county commissioners may annually, at the time of making the levy of taxes for county purposes, levy an amount not to exceed five hundred (500) dollars per mile for the repair, maintenance, further improvement and supervision of such parkways, and such amount shall be taxed and collected in the same manner as other county levies are taxed and collected, and the same, when collected, together with all moneys from whatsoever source collected by or paid to said county treasurer in pursuance of the provisions of this section, shall constitute a fund designated "County Parkway Fund," payments therefrom to be made only on the warrants of said board of park commissioners, countersigned by said county auditor.

All the provisions of this act, with respect to the authority of said board of park commissioners over the parks and parkways of said city, and the ordinances, rules and regulations by said board of park commissioners adopted relating thereto, shall apply, so far as the same are applicable, for the supervision of said county parkways and the use, control and government thereof. The prosecution of offenders for offenses thereunder, committed beyond the corporate limits of said city, shall be made in said district court. The county attorney for said county shall have charge of the same, and all fines and penalties imposed by said district court upon such offenders shall be paid to the clerk of said district court, and by said clerk to said county treasurer, and shall be by said county treasurer kept to the credit of said county parkway fund.

Sec. 23. This act shall be a public act. It shall not be necessary to plead or prove the same in any action or proceeding in court; and no law of the state contravening the terms or provisions of the same shall be considered or held as repealing, amending or modifying the same unless such purpose is expressly set forth in such law.

SEC. 2. This act shall take effect and be in force from the time of its passage.

Approved April 6, 1891.

## CHAPTER 55.

[H. F. No. 351.]

AN ACT AMENDING CHAPTER TWO (2) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED "AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF DULUTH," APPROVED MARCH 2, 1887, AS AMENDED BY CHAPTERS NINETEEN (19), NINETY-SIX (96) AND THREE HUNDRED FOUR (304) OF THE SPECIAL LAWS OF THE YEAR 1889.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter two (2) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), as amended, be and the same is hereby amended in the following respects, to-wit:

SEC. 2. That section six (6) of chapter one (1) of said act is amended so as to read as follows:

Sec. 6. Each of said wards shall constitute at least one (1) election precinct, and it shall be the duty of the common council of said city to divide the wards into election precincts from time to time, so that each election precinct shall not have more than four hundred (400) voters, and whenever it appears from the returns of any election that there are more than four hundred (400) electors voting in any precinct at any election, the common council of said city, preceding the next general, special or municipal election, shall divide such precinct into two (2) precincts. Precincts may be designated by number or otherwise as the common council may determine.

SEC. 3. Section seven (7) of chapter two (2) of said act is amended by striking out the words "twenty days," in said section, and inserting in lieu thereof the words "at least four weeks," and by inserting in said section after the word "general," wherever it occurs in said section, the word "special," and by striking out of said section the words "ward or," wherever they occur in said section.

SEC. 4. Section eleven (11) of said chapter is amended by inserting after the word "thereof," in said section, the words "or who holds any other elective or appointive political office, or who is in the employ of any company or corporation having any franchise from or within the limits of the city of Duluth."

SEC 5. Section two (2) of chapter three (3) of said act is amended by striking out the words "absent at any meeting," and inserting in lieu thereof the words "absent from any meeting."

SEC. 6. Section five (5) of said chapter is amended so as to read as follows:

Sec. 5. The common council shall elect a health officer who shall be a practicing physician. He shall be the executive officer of the board of health of the city of Duluth, and it shall be his duty to see that the laws of the state of Minnesota, the ordinances of the city of Duluth

and regulations of the board of health of said city, relating to health and sanitary conditions, are strictly enforced within the limits of said city. He may appoint assistants and inspectors for his department, as provided by the health ordinances of the city of Duluth.

SEC. 7. Section eight (8) of said chapter is amended by inserting in the third (3d) line thereof, after the words "all indebtedness," the words "and all credits and assets held or owned by the city of Duluth of every nature," and by adding at the end of said section the words: "The comptroller shall perform all other duties imposed upon him by this act. He shall also publish annually, at the end of each fiscal year, a statement showing, among other things, the assessed valuation of all property within the city, the amount of bonds and other indebtedness outstanding, the amount of cash on hand, the assets of said city, available or otherwise, the amount of money at the credit of each of the separate funds of the city, the receipts and expenditures for the entire city in each department thereof during the fiscal year for which said report is made."

The comptroller, with the advice and consent of the common council, shall have power to appoint one (1) or more deputies, who, upon their confirmation, shall be authorized to perform the duties of said comptroller. Such deputies shall receive such compensation as the common council may provide.

SEC. 8. Section thirteen (13) of said chapter is amended by adding at the end thereof the words: "The office of any alderman or other officer who shall have been shown to have received a bribe or any other consideration, for performing or neglecting to perform any official duty, shall thereupon become and be vacant, and the common council shall elect his successor, who shall hold until the next general municipal election."

SEC. 9. Section fifteen (15) of said chapter is amended by striking out the first (1st) sentence thereof, and inserting in lieu thereof: "The mayor shall be entitled to an annual salary of twelve hundred dollars (\$1200), and shall be entitled to have a secretary whose annual salary as such shall not exceed six hundred dollars (\$600);" and section sixteen (16) of said act is amended by striking out of said section the words "twenty thousand dollars (\$20,000)," and inserting in lieu thereof the words "forty thousand dollars (\$40,000)."

SEC. 10. Section seventeen (17) of said chapter is amended by inserting after the word "respectively" the words "together with an estimate of the value of said several items of public property in his department."

SEC. 11. Section four (4) of chapter four (4) of said act is amended by striking out of said section the words "said board may," and inserting in lieu thereof the words "the city of Duluth may," and by striking out the words "each lot," and inserting in lieu thereof "such lots as require such connections."

SEC. 12. Section seven (7) of said chapter is amended by inserting the word "upon" between the word "work" and the word "the," in the ninth (9th) line of said section.

Section eleven (11) of said chapter is amended so as to read as follows:

Sec. 11. It shall be the duty of said board to classify or divide the various works or interests under their control into departments, so far as may be, and keep an accurate account of each branch or depart-



ment, showing the amounts expended for original improvement or construction, and the amounts for repairs, superintendence or other expenditures, and exhibiting the sources of such expenditures; and it shall be the duty of said board to make a printed report to the common council of said city, annually, in the month of April, which shall embrace the said expenditures in the different branches or departments upon work under their control, together with a statement of the condition, progress and operation of said work, together with such other information as may be deemed of interest to the various departments of the city government or to the public.

SEC. 13. Section two (2) of chapter five (5) of said act is amended by inserting at the end of the first (1st) clause of the first (1st) sentence the words "for removing snow and ice from the sidewalks of said city, for laying gas and water pipes with or without curb connections to lots in streets and highways of said city, or gas, water or sewer connections from mains or sewers already laid to lots abutting on said streets or highways."

SEC. 14. Section four (4) of said chapter is amended so as to read as follows:

"Proceedings for the making of any improvement for which it is proposed to assess property owners shall be made in one of the two following ways: The property owners fronting upon the line of the proposed improvement, or those who are to be assessed therefor, or both, may ask for the making of said improvement, by petition in writing to the common council.

If no petition is made asking for the making of said improvement, and if, in the opinion of the common council, public necessities require that it should be made, the common council may, by resolution, declare that, in their judgment, the making of the improvement contemplated is necessary. When the owners petition for making any of the improvements mentioned in this chapter, the common council shall not be required to proceed further with said petition than to refer the same to the board of public works, unless it appears that said improvement is asked for by a majority of all the owners to be assessed for the expense of making such improvement. If said application or proposition for improvement originate in the common council by resolution, as hereinbefore mentioned, said resolution shall, upon being passed, be referred to the board of public works. Upon the reference to the board of public works of any petition by property owners, or any resolution of the common council for the making of any of said improvements, said board shall proceed to investigate the same, and they shall determine the following questions and report their answers to same to the common council:

*First*—Is the contemplated improvement necessary and proper?

*Second*—Is the improvement petitioned for by a majority of the owners to be assessed therefor?

*Third*—Can real estate be found benefited to the extent of the damages, costs and expenses to be incurred in making said improvements?

And if the board shall determine that said improvement is necessary and proper, they shall add to their report, except in cases of street sprinkling, removal of snow, and other improvements of like nature where the making of plans and profiles is impracticable, a plan and profile for making the same, and an estimate of the costs, damages and expense of so doing. If said board shall determine that

said improvement is not necessary and proper, they shall make their report, together with their reason for their determination, but need not annex thereto plans and profile or estimate of the cost, and the common council shall not order said improvement to be made except upon a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect of the common council; *Provided*, that if said disapproval of the board of public works is by a unanimous vote of said board the improvement can only be ordered by a three-fourths ( $\frac{3}{4}$ ) vote of all members of the common council. If a majority of the persons and owners to be charged with the costs, damages and expenses of said improvement, at any time before said improvement is actually ordered by the common council, shall remonstrate to the common council against the making of said improvement, said common council shall not proceed to make such improvement except the order for so doing is passed by a three-fourths ( $\frac{3}{4}$ ) vote of all the members elect of the common council, nor shall said improvement be ordered when property, in the opinion of the board of public works, cannot be found benefited to the extent of the costs, damages and expense thereof, except by a three-fourths ( $\frac{3}{4}$ ) vote of all the members elect of the common council.

If said board of public works shall report that, in their opinion, any proposed improvement is not necessary and proper, and the common council shall, as hereinbefore provided for, determine to undertake and make said improvement, said common council may again refer said proposition or petition to the board of public works, and said board shall cause plans and profiles for the doing of said work to be made, and shall give an estimate to the common council of the costs and expenses, in their judgment, of making said improvement; *Provided*, that in case of street sprinkling and the like, where plans and profiles are impracticable, the common council may, instead of referring the matter to the board of public works, pass an order requiring the work to be done. The board of public works and common council may, at any time while such proceedings are being had, make such modifications of the proposed plan of the making of said improvement as may, in their judgment, be necessary or advisable; *Provided*, that such modifications shall not materially change the general character and object of the improvement or materially increase the expense thereof.

Two (2) or more of the kinds of local improvement mentioned in section two (2) of this chapter may be undertaken together, when it appears for any reason that said two (2) improvements can be done together at a less expense than separately."

SEC. 15. Section five (5) of said chapter is amended so as to read as follows:

"Whenever an order shall have finally passed the common council, as hereinbefore provided, for the making of any local improvement, the city clerk shall transmit a copy of such order of the common council to the board of public works. In all cases, except where the work is undertaken upon a petition which expressly asks that the work be not done by the contract system, said board of public works shall forthwith cause specifications for the proposed improvement to be made, and as soon as may be thereafter shall cause proposals for the doing of the work, according to the plans, profiles and specifications, which shall be at all said times on file in their office, to be advertised in the official paper, and said notice shall be inserted at

least ten (10) times, and shall state briefly the kind and character of the work to be done.

Bids for the doing of such work shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond or certified check, payable to the city of Duluth, in a sum not less than ten (10) per cent of the estimated cost of the doing of said work, and said money shall be deposited upon the condition, and said bond shall be made upon the condition, that, if the bid of the person making the proposal is accepted, he will enter into contract with the city of Duluth for the making of said improvement, and will furnish contract bond to the city of Duluth in at least the sum of thirty (30) per cent of the estimated cost of said work, conditioned for the faithful performance of said work according to the terms of his contract, and the payment of all material and labor used or employed in making said improvement. All bonds shall be signed by the parties making the proposal or entering into the contract, and two (2) sureties, residents of the state of Minnesota, who shall be satisfactory to the board of public works.

Said proposals or bids shall be opened by said board at their first meeting after the time limited for receiving said proposals, or as soon thereafter as may be, and said board shall proceed to consider the same. If said board believes that the bids are unreasonably high, considering the character of the work to be done, through collusion among bidders or for any other cause, they may reject all bids. If they believe that said bids, or any of them, are fair and reasonable offers, all things considered, for the doing of said work, they shall award said contract to the lowest responsible bidder. Upon rejecting all bids, or upon making said award, they shall report their action to the common council. An award of a contract by said board to any person shall become binding upon the city of Duluth upon the same being approved by the common council and upon the approval by said board of the contract bond of said bidder, executed and conditioned as hereinbefore set forth, but not before or otherwise. If the board of public works reject all bids, the common council may direct said board to readvertise for proposals for doing said work, or it may, notwithstanding said rejection, by a three-fourths (¾) vote of all members elect, award said contract to the lowest of said rejected bidders. Said contract and contract bond, in addition to providing, among other things, that the contractor shall well and truly perform said contract in accordance with the plans and specifications therefor, shall provide that the contractor shall pay all claims to third parties for labor or material used or employed upon said work as the same become due. Should default be made by said contractor in the terms of his contract, the board of public works shall report the same to the common council, and the common council shall cause suit to be commenced against said contractor and his bondsmen to reimburse said city for any loss it may sustain by reason of said default. Any person furnishing labor or material on said contract, whose claim shall not be paid as it becomes due, may bring a suit in his own name against said contractor and his bondsmen. At the time of the bringing of such suit plaintiff shall notify the city that said suit has been commenced, specifying the names of the parties to said suit, the bond upon which said suit is brought, the amount and nature of plaintiff's claim, and no judgment shall be entered in any such action unless the

plaintiff shall prove to the satisfaction of the court that twenty (20) days before the time of said trial notice was served upon the city of the commencement of said suit, as hereinbefore set forth. If it shall appear to the city of Duluth, that, by reason of any default made or likely to be made by the contractor in the terms of his bond or contract, whereby either said city or other laborers or material men may be in need of recourse to said bond, said city within said twenty (20) days may file a complaint in intervention in said action, setting up said facts, and thereupon the court shall stay the judgment in said action until the contract upon which said suit is brought shall have been completed and all parties for whose protection said bond was given shall have had opportunity to appear in said action and be joined as parties thereto. Any party having a cause of action against said contractor may likewise intervene in any action brought on any contract bond, irrespective of whether the city appears in said action or not. If an amount is not realized in said suit sufficient to pay all claims in full, the money realized shall be paid *pro rata* in discharge of the claims of the parties to said suit, including the claims of the city, of laborers and material men. All suits upon said bond must be brought within ninety (90) days after the time when the contract work is completed and accepted by the city. No technical defect in the execution of said bonds, no assignment of any contract, and no extension of the time in which to complete a contract, shall have the effect to release the sureties upon said bonds.

*Patents.*—In case it is deemed necessary to pave any street with patent pavement, or to perform any other work upon which there is a patent, the notice for bids shall call for the particular kind of pavement required, or, in case of other improvements, of the particular article covered by patent, and when all proposals therefor are in, the board may select the one which is relatively the lowest or the most satisfactory, all things considered, and its decision thereon shall be final. If the pavement selected is patented, the said board shall require a license from the patentee to lay and relay the same for all time thereafter, free from all claims of royalty.

All contracts shall be executed by the board of public works in the name of and on behalf of the city of Duluth, and the corporate seal of said board shall be thereto attached. The comptroller shall countersign all such contracts, and a copy thereof shall be filed in his office and registered by him in a book kept for that purpose. In addition to the provisions herein provided for, the city may incorporate in its contracts such provisions, not inconsistent with those herein mentioned, as it may deem fit and proper.

*Non-Contract Work.*—If persons petitioning for an improvement, and who constitute a majority of the owners to be charged with the cost thereof, ask that said work shall not be done by contract, the city may undertake and complete said work by day labor, and assess the cost thereof against the property benefited thereby, as well against the property of those signing the petition as those who did not. Proceedings in such a case shall be conducted with the same formalities in the common council and board of public works as in other cases, with the single exception that all acts relating to advertising for bids and letting contracts may be omitted."

SEC. 16. Section six (6) of said chapter is amended so as to read as follows:

Sec. 6. The board of public works shall reserve the right in all city contracts, in case of improper construction or in case of unreasonable or unnecessary delay, to suspend the work at any time and relet the same, or cause said work to be done in such other method as in their judgment shall be most expedient, and to order the reconstruction of all work improperly done, and said board shall have full authority, upon such default being made by the contractor, to take charge of the work and cause the same to be completed according to contract and charge the cost of so doing to said contractor. The board of public works shall report to the common council from time to time, and not less frequently than once each month, the rate of progress being made by the various contractors upon the works in which the city is engaged, and whether or not, in the opinion of such board, the several improvements will be accomplished at their present rate of progress within the time limited for the doing of said work, and if it shall appear to the common council that said work is unreasonably or unnecessarily delayed, the common council may direct said board of public works, after proper notice to contractors, to place such additional men upon said work, or to take such contract altogether from said contractors, or to take such other method as may seem necessary to cause said work to be completed within the time limited for the doing of said work.

In all cases where contract work is being properly performed the board of public works may from time to time, in their discretion, as the work progresses, grant to the contractor an estimate upon the amount already earned by him, and may reserve fifteen (15) per cent of the amount earned until the completion of said contract. When the whole work has been completed to the satisfaction of the board of public works, the balance due the contractor shall be audited and allowed by the common council to said contractor; *Provided*, that upon sewer contracts and other work of similar nature five (5) per cent of the contract price may be reserved, for a period not exceeding six (6) months, for backfilling or repairing occasioned by settling or defects in the work.

SEC. 17. Section seven (7) of said chapter is amended by inserting in the second line thereof, after the word "contract," the words "or undertaken by day labor," and by striking out the proviso at the end of said section and inserting in lieu thereof the words: "If for any cause any assessment heretofore or hereafter made by the city of Duluth for any local improvement shall be set aside by any court, or by reason of any irregularity or omission shall be pronounced invalid, or shall be in fact invalid, the board of public works are authorized to reassess the cost of making said improvement upon the property benefited thereby, in proportion to the benefit that each piece or parcel of land has received; *Provided, that*, if any assessment shall be pronounced invalid by reason of the fact that any piece of property was adjudged not to be benefited thereby, no second assessment can be made upon the property so adjudged not to be benefited."

SEC. 18. Section ten (10) of said chapter is amended by striking out of said section the words "and a description of the lot or parcel of land against which the same is assessed," and by striking out all of said section after and including the words "and thereupon the common council may by resolution," and inserting in lieu thereof the following: "And thereafter the city comptroller shall make up a certified

statement of the amount of said assessments delinquent, said statement to contain the names of the owners delinquent, a description of the assessment for which said amounts were levied and of the lands affected thereby, which statement shall be the basis of the application for judgment hereinafter mentioned; and thereafter, at such times as the common council may direct, and not more frequently than four (4) times in each year, the comptroller shall proceed to sell the parcels of land upon which said assessments are delinquent in the manner following, to-wit:

*Notice of Application for Judgment.*—Said comptroller shall cause at least twenty (20) days' notice by publication for ten (10) days in the official paper of the city, of his intended application for judgment to the district court in and for St. Louis county, which notice shall briefly specify the respective assessments upon which said application is made, and the description of the property against which judgment is required, and shall require all persons interested to attend at said court at the time mentioned in said notice. Said twenty (20) days' notice shall be reckoned from the first (1st) day of the publication thereof. Said comptroller shall also cause written notice to be mailed to all property holders interested, or their agents, whose address is known to him, but the fact of his failure to give such written notice shall in no way affect the validity of any judgment obtained. The demand published as hereinbefore set forth shall be deemed to be sufficient and legal notice to all property owners of the intended application of the city comptroller to such court for judgment, and shall be held to be a sufficient demand and refusal to pay said assessment. The city comptroller shall cause a copy of his notice of such intended application, together with an affidavit of publication, made by the printer or publisher of the official paper, and the certified statement of said delinquent assessments, to be filed with the clerk of said district court at or before the application for judgment as hereinbefore mentioned. The clerk of said court, upon the filing of said papers by the city comptroller, shall receive and preserve the same, and shall file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said statements shall constitute a separate proceeding or suit, and shall be docketed by the clerk of said court in a suitable record book kept for that purpose.

*Application for Judgment.*—At the time set for such application by the comptroller, it shall be the duty of the court, proof of the publication of said notice as hereinbefore set forth having been filed, to proceed immediately to the hearing of the same, and the matter of said assessment shall have priority over all other matters pending in said court. Said court shall pronounce judgment against the several lots or parcels of land described in said report for which no answer or objection shall be filed, for the amount of the assessment, interest, damages and costs severally due thereon.

*Owner May Appear and Defend.*—The owner of any property described in said assessment and statement, personally or by attorney, may appear at said court, at the time designated in said comptroller's notice, and file objections in writing to the recovery of judgment against his property, but no objections shall be interposed or sustained in relation to any matter occurring prior to the confirmation of the assessment by the court, as hereinbefore set forth, and no objections as to any other of the proceedings shall be sustained for any

formal irregularity or defect. The court shall hear and determine all objections interposed by any property owner in a summary manner without pleadings, and shall dispose of the same with as little delay as possible.

*Judgment—How Rendered.*—If justice require that for any cause the suit as to one or more owners should be delayed, judgment may be rendered as to the other property or lands, and process shall issue for the sale thereof the same as if no part of said proceedings had been adjourned. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the parcels of land, which order may be substantially in the following form:

'Whereas due notice has been given of an intended application for judgment against the lands mentioned in the foregoing and annexed report, statement and application of the comptroller of the city of Duluth, and no owner hath appeared to make defense or to show cause why judgment should not be entered against said lands and other property for the assessment, damages, interest and costs due and unpaid thereon; therefore it is considered and adjudged that judgment be, and the same is hereby, entered against the aforesaid pieces and parcels of land in favor of the city of Duluth for the sum set opposite each lot or parcel of land, being the amount of the assessment, interest, damages and costs due severally thereon, and it is ordered by the court that the several lots and parcels of land, or so much thereof as may be sufficient to satisfy the amount of the several assessments, interest, damages and costs set opposite to them herein, be sold as the law directs to satisfy said judgment, with interest thereon at twelve (12) per cent per annum from the rendition of this judgment.'

In all cases where a defense be interposed, and a judgment be rendered against the property, a similar judgment stating the appearance of the defendant shall be made and entered of record.

Twenty-five (25) cents shall be added to the amount against each lot to defray the expense of publication of said notice, and the sum of one (1) dollar to the costs assessed against each lot where a defense is interposed.

*Clerk of Court to Certify Copy of Judgment to Comptroller.*—It shall be the duty of the clerk of court, within fifteen (15) days after said order is granted, to make out under the seal of said court a certified copy of said judgment, giving a description of the land and the amount of costs rendered against each parcel thereof, including all costs, which shall constitute a process on which said lots and parcels of land shall be sold to satisfy said judgments and costs.

*Notice of Sale.*—After receiving such certified copy the comptroller shall give ten (10) days' notice in the official paper of the city, which shall be published at least five (5) times, said ten (10) days' notice being reckoned from the first (1st) publication, that at a certain time stated in said notice he will proceed to sell several parcels of land at his office in the city hall in the city of Duluth, at ten (10) o'clock in the forenoon of the day stated therein, to satisfy said judgments and costs, if the same shall not be paid prior to said hour of sale.

*What Notice shall Contain.*—The said notice of sale to be published shall contain a list of the delinquent lots or parcels of land to be sold,

the names of the owners, if known, the amount of judgments rendered thereon respectively, and a description of the judgment, upon which the same was rendered, and that the said parcels of land will be offered for sale at public auction at the time named therein by the city comptroller at his office in the city of Duluth. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property to be sold be described with legal certainty.

*Payment Before Sale.*—Any owner may pay the amount, with accrued costs, adjudged against any parcel of land at any time previous to actual sale.

*Abbreviations May Be Used.*—In all papers and advertisements for the collection and sale of such assessments, and in all deeds issued thereunder, letters and figures, ditto marks and other commonly used written or printed characters may be used to denote lots, sublots, lands, blocks, and parts thereof, sections, townships, ranges, days, years and the amounts.

*Sale—How Conducted.*—At the time set for the sale the city comptroller shall proceed to sell at public sale the lots and lands mentioned in said judgment for the judgments and costs rendered or accruing against the same, which shall not have been paid prior to the time of such sale. He shall add to the amount of judgment fifty (50) cents for each description, for costs of sale, and before any parcel of land shall be sold he shall state to those present the amount for which the same is subject to be sold. All pieces or parcels of land shall be sold to the highest bidder therefor; *Provided*, that the bid of such person equals the amount for which said pieces or parcels are subject to be sold.

If no person shall bid an amount equal to the amount for which the same is subject to be sold, the comptroller shall bid in such pieces or parcels of land for the city.

He shall enter upon his lists the name of the person to whom each piece or parcel was sold, and the amount for which the same was sold, or, if no person shall bid the amount for which the same is subject to be sold, he shall enter opposite such piece the words, 'Bid in for the city.'

Any person purchasing any lot or parcel of land shall forthwith pay to the city treasurer the amount for which the same was sold, and on failure so to do the property shall again be offered for sale by the comptroller in the same manner as if no sale had been made, and in no case shall the sale be considered closed until the full payment shall be made.

*Certificates of Sale.*—The city comptroller at the close of such sale shall make out and deliver to each purchaser a certificate of sale which shall contain the name of the purchaser, a description of the premises sold, a description of the judgment upon which said sale is made, and the amount for which said parcel was sold. No certificates need to be made out by the comptroller for any piece or parcel of land bid in for the city, but the title of said land shall be held to have vested in the city, subject to the right of redemption hereinafter given, upon the entry in the lists of said comptroller of the words hereinbefore mentioned, 'Bid in for the city.'

*Redemptions—How and When Made.*—Any piece or parcel of land sold or bid in, as hereinbefore set forth, may be redeemed at any time within three (3) years from the date of sale, by any person, upon



paying to the city treasurer the amount for which the same was sold, and costs and interest thereon from the time of such sale at the rate of ten (10) per cent per annum, together with any subsequent taxes or assessments, costs or penalties paid by the party holding an assignment of the land sought to be redeemed.

*Entries to be Made by Comptroller.*—The city comptroller shall enter and extend upon the certified copy of the judgment or order of sale issued to him by the clerk of the district court the interest, costs and expenses to be charged against said lot or description as provided by law, the amount of sale, to whom sold, if struck off to the city to whom afterwards transferred, with the amount of such transfer, and shall attach thereto a copy of the advertisement appertaining to the sale, which shall remain and be a part of the records of his office.

*Assignments of Property Bid in for the City.*—At any time after said sale the city comptroller shall make out assignments of any parcel of land bid in for the city to any person who shall pay to the city the amount for which the same was bid in by the city, together with interest and costs and subsequent assignments, if any, and shall issue to such person a certificate reciting the fact that said land was bid in for the city in accordance with the provisions hereinbefore set forth, and the amount for which it was so bid in, and the name of the person to whom the same was transferred, and the amount for which the same was transferred, and shall make upon the books or papers of his office, opposite said parcel, such proper entries as shall evidence such transfer.

*Certificates not to be Recorded.*—No certificates of sale nor assignment given under the provisions of this act shall be subject to be recorded in the register of deed's office.

*Notice of Expiration of Period of Redemption.*—At least sixty (60) days before the expiration of the three (3) years' redemption period hereinbefore provided for the comptroller shall cause a notice to be published in the official paper of the city, which notice shall be published five (5) successive days, and said sixty (60) days shall commence from the first (1st) publication, that deeds will issue by the city at the expiration of the time of redemption to the holder of any certificate or assignment of sale of any lands sold as hereinbefore provided for, unless the pieces or parcels of land for which such certificates or assignments were given shall be redeemed from such sale by the payment of the amount for which the same was sold, together with the subsequent assessments paid by the holder of said assignment or certificate to the treasurer of the city. Said notice shall specify the judgment under which the sale was made, the date of sale and the amount required to redeem each piece or parcel of land; and the time within which any piece or parcel of land sold, as hereinbefore set forth, may be redeemed shall not expire until said notice shall be given, as hereinbefore set forth, but, while it is the duty of the city comptroller to give said notice sixty (60) days before the expiration of three (3) years from the date of sale, his omission to give said notice at said time shall not in any way affect the validity of said sale, but said notice may be given at any time thereafter, and the purchaser shall have until sixty (60) days from the first (1st) publication of said notice to make redemption.

*Notice to Holders of Certificates.*—In case any piece or parcel of land is redeemed, the city shall mail a notice to the person holding a cer-

tificate or assignment for which said redemption is made, stating that said redemption has been made and that the amount thereof is in the city treasury subject to his disposal.

**Certificates—How Assigned.**—Any certificate of sale or assignment of property bid in by the city may be assigned, but such assignment shall be evidenced by the same formalities as the conveyance of real estate.

**Deed of Land Unredeemed.**—In case any piece or parcel of land shall be bid in by the city, and shall not have been transferred within the time for which the same was subject to be redeemed, it shall, upon the expiration of the period of redemption, be conveyed to the city.

All deeds made to purchasers or to the city, and the records thereof, shall in all cases be *prima facie* evidence that all requirements of the law with respect to judgment and sale shall have been duly complied with, and of title in the grantee therein after the time of redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall prove, either that the court rendering the judgment pursuant to which the same was made had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been paid, or that after said sale and before the expiration of the period of redemption, said land was redeemed by payment as hereinbefore set forth, nor unless the action in which the validity of the sale shall be called in question be brought, or the defense alleging its invalidity be interposed, within three (3) years from the issuance of the deed. In case said sale is set aside by reason of any defect in the proceedings subsequent to the entry of judgment, the court so setting aside the sale shall have power to order a new sale to be made as near as may be in accordance with the provisions of this act, and, if any of said deeds shall be set aside, the party holding said deed shall recover from the adverse party the amounts paid for such deeds to the city, with the interest thereon from the date of sale at the rate of twelve (12) per cent per annum, and all subsequent taxes, assessments, penalties and interest paid by said purchaser upon the land mentioned in said deed.

**Deeds Recorded Without Prepayment of Other Taxes.**—All deeds given under the provisions of this chapter shall be subject to be recorded in the register of deeds' office in St. Louis county, without prepayment of taxes or the county auditor's certificate that taxes are paid.

**No Change in Comptroller to Affect Proceeding.**—No change in the incumbency of the office of city comptroller or other officer, during the pendency of these proceedings, shall have any effect to delay the same, but the successor or successors in said office shall be authorized to do all such acts necessary to complete such proceedings.

**Penalty if City Officers Neglect their Duties.**—Any city comptroller, city treasurer or other officer who shall knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to or connive at any evasion of its provisions, whereby any proceedings required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to the city individually and upon his official bond for double the amount, loss or damage caused by said neglect or refusal.

**Form and Manner of Making Deed.**—If said land is not redeemed within sixty (60) days from the first (1st) publication of said notice, the holder of any certificate or assignment, or, if the same remains bid

in for the city, the city itself, may make application to said comptroller for a deed of said land, and the person or corporation, other than the city, making said application shall pay to the city all sums which may be assessed against said land by the city subsequent to the assessment upon which the sale has been made, and shall pay to the city treasurer one (1) dollar as costs of the publication of said notice to redeem, and upon the making of such payment the city comptroller shall prepare deeds conveying said land to the parties entitled thereto. Deeds shall be executed, witnessed and acknowledged in the same manner that other conveyances in this state are executed. It shall be executed on behalf of the city by the mayor and city clerk, and countersigned by the city comptroller. The comptroller shall make a suitable entry upon his lists and records showing when, to whom and for what lands deeds have been issued. The foregoing provisions relative to the enforcement of assessments shall apply to any assessments heretofore made for local improvements within the city of Duluth and now in the hands of the city comptroller."

SEC. 19. Section eleven (11) of said chapter five (5) is amended so that the first two (2) sentences thereof shall read as follows:

"When the assessment made, as hereinbefore set forth, upon any contract not let at the time of the passage of this act, remains unpaid after the expiration of the thirty (30) days limited in which the sum may be paid to the city treasurer, the common council of the city shall, upon the application of any owners of lots against which an assessment is made, divide the whole amount so assessed against the lots of said owners for said improvement into not more than five (5) equal installments, the time for the enforcement of the same against the property affected by the assessment to be, by the resolution of the common council dividing said assessment, extended so as to become due and payable as follows:

The first (1st) installment on October 1st of the next succeeding year, the second (2d) installment on October 1st of the second (2d) succeeding year, the third (3d) installment on October 1st of the third (3d) year, and so on. Each of said deferred payments shall bear interest at the rate of interest not exceeding eight (8) per cent per annum from the time of the passage of said resolution."

All that part of said section following the word "(Seal)" is struck out and the following inserted in lieu thereof:

"The said certificates shall be signed by the mayor and city clerk and countersigned by the city comptroller, and shall have attached thereto the corporate seal of said city. The amount of each installment shall not be passed into judgment by the city comptroller, according to the provisions hereinafter set forth, until after each of said installments shall become due and payable, and the amount of said certificates shall not be regarded as a part of the city debt, within the meaning of the five (5) per cent limit provided for in section nine (9) of chapter nine (9) of the act hereby amended."

SEC. 20. Section sixteen (16) of said chapter five (5) is amended by striking out the last sentence thereof and inserting in lieu thereof the following:

"It shall be the duty of the city treasurer, after the expiration of said thirty (30) days, to return said duplicate roll to the city comptroller, and thereafter said city comptroller shall cause judgment to be entered for the amounts assessed against said several parcels, and

said parcels to be sold therefor in the same manner as assessments for other improvements are enforced against lots and lands as hereinbefore set forth."

SEC. 21. Section one (1) of chapter six (6) of said act is amended by striking out of the fourth (4th) line the words "markets, public buildings," and by inserting in lieu thereof the words "or for the sites for public buildings, markets, engine houses, city workhouses, city hospitals, barns for horses used or employed by the city, or for yards for the storage of property or supplies belonging to said city, for right of way for sewers and drains, and for right of way for electric wires and conduits," and by striking out the words "and if not" from said section, and inserting in lieu thereof the word "or."

Paragraph first (1st), "Appointment of Commissioners," is amended in the first (1st) and second (2d) lines thereof by striking out the words, "upon ordering an improvement above mentioned to be made," and inserting in lieu thereof "upon determining by said vote that the necessity for acquiring said property exists."

The fourth (4th) line from the bottom of said section is amended by striking out the word "aforesaid," and inserting in lieu thereof "or in lieu of any person appointed as commissioner, but not qualified by reason of residence or other cause to act as such."

The third (3d) paragraph of said section is amended as follows: From the third (3d) line thereof strike out the words "proposed improvement or purchase," and insert in lieu thereof the words "property proposed to be acquired or injuriously affected," and from the last line of the third (3d) paragraph of said section strike out from the end thereof the words "such improvement," and insert in lieu thereof "may be injuriously affected."

Paragraph fourth (4th) of said section is amended as follows: Strike out the words "may be damaged by said improvement," and insert in lieu thereof the words "may be injuriously affected." Also from the end of said paragraph strike out the words "in making such improvement," and insert in lieu thereof the words "by reason of the taking of the property or easement sought to be acquired by the city."

Paragraph sixth (6th) of said section is amended by striking out the words "from such improvement," and paragraph eighth (8th) by striking out the words "by such improvement."

Paragraph ninth (9th) of said section is amended by striking out the last clause thereof, and inserting in lieu thereof: "In case said commissioners shall be unable to determine who is the owner of any particular parcel of land taken or injuriously affected, the name of the owner of said parcel may be entered upon their schedule as unknown, and the money awarded may be set aside and deposited in the treasury of said city for the unknown owner or owners of the land taken or injuriously affected. In cases of disputed ownership, the name of all the owners or claimants of any parcel may be entered upon said schedule, and the money may be set aside and deposited in their name in said treasury, but need not be paid to them until they shall determine by proper action in court their rights to said money."

Paragraph tenth (10th) of said section is amended by striking out from the second (2d) line the words "have elected in the manner aforesaid," and inserting in lieu thereof "elect;" and after the word "buildings," in the third (3d) line of said paragraph, by inserting the words: "He or they shall, within ten (10) days after the confirm-

ation of said report, certify to the common council their election to remove said buildings."

Paragraph eleventh (11th) of said section is amended by adding at the end thereof: "And all notices required to be served upon the city by an owner may be served by said guardian."

SEC. 22. Section one (1) of chapter seven (7) of said act is amended by adding to the third (3d) sentence thereof the words: "The petitioners having deposited with the city clerk at the time of the filing of said petition an amount sufficient to meet the expense of the publications hereinafter mentioned."

SEC. 23. Section three (3) of the same chapter is amended by striking out the words "and jury as in other cases, and the judgment of the court shall be final," and inserting in lieu thereof "without a jury, and if it shall appear that the action of the common council was arbitrary and partial, or that great public interests have been disregarded, the court may, notwithstanding the action of said common council, by proper order, reverse the action of said common council as to the vacation of said street, avenue, alley or highway. An appeal may be taken from the order of said judge, or the judgment entered thereon, to the supreme court, as in any ordinary case at law."

SEC. 24. Section one (1) of chapter eight (8) of said act is amended so as to read as follows: "A majority of all the aldermen elect shall constitute a quorum to do business at any meeting of the common council."

SEC. 25. Section two (2) of said chapter is amended so as to read as follows:

"The common council shall hold regular meetings upon Monday evening of each week. Special meetings may be called at any time by the mayor or acting mayor, by delivering a notice to each member of the common council, personally, or by leaving the same at his usual place of abode. Such notice shall state the time when such meeting will be held and the object of such meeting, and shall be served upon all members, as hereinbefore set forth, not less than three (3) hours before the time set for said meeting."

At such special meeting no other business shall be transacted than that designated in said call or notice. In case the attendance at any regular meeting is less than a quorum, the members present may adjourn such meeting to such time as they may designate. No special meeting shall be adjourned unless there is a quorum present at the time stated in the call. All adjourned meetings shall be a part of the regular or special meeting from which they were adjourned, but the second and subsequent sittings of a meeting so adjourned shall be designated as sessions of said meeting."

SEC. 26. Section three (3) of said chapter is amended to read as follows:

Sec. 3. The common council shall be the judge of the election of its own members, and, in case of any contest by a person claiming to be elected to said common council or other investigation instituted by it, it shall have the power to administer oaths, take testimony and send for persons and papers. It shall determine the rules of its own proceedings, and shall have power to compel the attendance of absent members and maintain order and decorum at its meetings, and may provide a suitable punishment for the members absent or guilty of disorderly conduct in the meeting of said council or of a breach of the rules governing its meetings.

SEC. 27. Section four (4) of said chapter is amended by adding at the end of the first (1st) clause of the first (1st) sentence the words "and to try and impeach for malfeasance or non-feasance in office any municipal officer elected to perform any official duties within the limits of the city of Duluth."

SEC. 28. Section five (5) of said chapter is amended by striking out the words "and for these purposes the said common council shall have authority by ordinance," and insert in lieu thereof the words "and in addition to the authority to pass ordinances for the general purpose of securing good order and public peace within the city, for the suppression of vice and intemperance, which powers shall not be held to be abridged by the special powers hereinafter enumerated, said common council shall have the authority to legislate and ordain for the following purposes, to-wit:"

Subdivision fourth (4th) of said section five (5) is amended by adding at the end thereof "and to establish limits within which blacksmiths' shops, tallow chandlers' shops, soap factories, tanneries, and other business of like nature, may not be established or located."

Subdivision ninth (9th) of said section is amended by changing the words "to prevent the running at large of dogs," so as to read as follows: "To wholly prohibit the running at large of dogs, or to require that dogs shall not be at large unless muzzled in such manner as said common council shall deem proper."

Subdivision tenth (10th) of said section is amended by striking out the words "in default thereof," and inserting in lieu thereof "in addition to a fine or imprisonment."

Subdivision thirteenth (13th) of said section is amended by striking out "baked contrary thereto."

Subdivision sixteenth (16th) of said section is amended by inserting after the word "streets," the words "theaters, halls, stores, banks or shops."

Subdivision nineteenth (19th) of said section is amended by striking out the words "and also license and regulate all peddlers doing business within said city," and insert in lieu thereof "and also to tax, license and regulate all peddlers and canvassers doing business within said city, and all persons going about the city from house to house, or from place of business to place of business for the purpose of selling or taking orders for the sale of property, whether said persons have said property which is the subject of sale with them at the time they attempt to make said sale or not, but this authority shall not extend to the licensing of persons selling at wholesale to dealers in said articles."

Subdivision twenty-first (21st) of said section is amended by adding at the end thereof the words "upon said work being done by the city, or by its officers, at the expense of the owners of said property, the cost of so doing shall be a lien upon said property, and, if the owners or agents of said property, if any person be in possession of said property, shall not pay the same upon presenting the bill for said expense, the amount of said expense shall be referred to the board of public works, who thereupon shall assess against said property the cost of doing said work, and the same shall be collected as assessments for local improvements are collected."

Subdivision twenty-second (22d) of said section is amended by striking out the words "to have general supervision over the docks,

piers and wharves within said city," and inserting in lieu thereof "to have general supervision and control of all navigable waters within the limits of said city, and over the erection and maintenance of docks, piers, wharves or other structures in said waters or within said city," and inserting in said section after the words "for that purpose" the words "to appoint a harbor master, to define his duties, to make all needful regulations for the control of said waters or the movements of vessels therein, or for the placing of structures, piers, booms, pipes or any other substance whatever for any purpose in said waters; and for the purpose of protecting the harbor of Duluth said common council may restrict or entirely prevent the taking of sand or earth from Minnesota point, or the digging of ditches or the laying of pipes for any purpose across said point."

Subdivision twenty-seventh (27th) of said section is amended by inserting after the word "inspection," the words "and measurement," and by inserting after the word "wood," the words "coal and other fuel."

Subdivision twenty-eighth (28th) of said section is amended by adding at the end thereof "to appoint an electric inspector, whose duty it shall be to superintend the erection of all electric plants, wires, structures and appurtenances erected within the city of Duluth, and to examine the same from time to time and cause the same to be kept in proper and safe repair, and to see that such precautions are taken, either by the city or by any person or company having or owning any electric plant, to prevent injury to any person or property."

Subdivision thirty-third (33d) of said section is amended as follows: By inserting after the words "to restrain and punish," the words "or suppress."

Subdivision thirty-fifth (35th) of said section is amended as follows: After the words "flues and heating apparatus," insert "and to prescribe the kind and quality of all plumbing to be placed in any building within the said city, and to regulate and inspect the construction of the same," and strike out of the first two (2) lines of this subdivision the words "of more than two (2) stories in height," and the word "fire."

Subdivision forty-first (41st) of said section is amended so that that part thereof before the words "also to establish," shall read as follows: "To regulate the quantity and measurement of gas, electric light, electric current and water; to prescribe and enforce rules and regulations for the manufacture and sale of gas and electric current; to provide for the inspection of gas and water sold by any company, of gas meters, water meters and meters used to measure electric current furnished for light and power or other purposes, and to appoint an inspector and other officers, if needed for that purpose, and to prescribe their duties."

Subdivision forty-second (42d) of said section is amended by inserting at the end thereof the following: "And to prescribe rules and regulations relative to excavating in streets, alleys, avenues and public grounds of said city, and to require all persons or corporations having or claiming to have the right to excavate in said highways or public grounds by virtue of any law or ordinance to file with the board of public works of said city a notice of their intention to excavate in said highways or public grounds, and before commencing said excavation to receive from said board a permit for so doing; *Provided*,

that this authority shall not be construed to prevent excavations by persons authorized by general law or ordinance to excavate in said highways and grounds, when the necessities for said excavation demand such immediate action that time cannot be had to give said notice and receive said permit; and to require all persons after having made said excavation, to restore said highway or public ground, as soon thereafter as possible, and to give said board of public works notice of the time when they will commence the work of restoration, so that said board may inspect said work of restoration and see that said street is in all things restored to its original condition as near as practicable; and to provide for the collection of costs and damages which said city may sustain by reason of said persons or corporations failing to restore said streets to their original condition."

Said section is further amended by adding the following:

*"Forty-third*—To change the name of the streets, avenues, alleys, highways and public grounds of said city as public necessity may require, but before any ordinance shall be passed changing the name of any such highway or public ground, the city shall cause to be published in the official paper, not less than three (3) times, a notice to all parties concerned that at a certain time, to be designated in said notice, the common council will consider the question of changing the name of said street or public ground which it is proposed to change.

SEC. 29. Section six (6) of said chapter is amended by striking out the words "or both," and inserting in lieu thereof "and any person fined may be imprisoned in the city prison or county jail until said fine shall have been paid, not to exceed in all ninety (90) days."

SEC. 30. Section sixteen (16) of said chapter is amended by striking out the words "the said court may," and inserting in lieu thereof the words "the said common council may."

SEC. 31. Section twenty-one (21) of said chapter is amended by adding at the end thereof the words "and to prescribe the kind and manner of laying sidewalks within said fire limits."

SEC. 32. Section three (3) of chapter nine (9) of said act is amended so as to read "office of city assessor," instead of "place of meeting of the common council."

SEC. 33. Section seven (7) of said chapter is amended by striking out the words "a ward fund for each ward in the city," and inserting in lieu thereof "a library fund." *"Seventh*—A park fund;" and by adding at the end of said section the words "*Provided*, that no money belonging to either the sinking fund or the interest fund shall be loaned to any other department, except that money may be loaned from one of these two funds to the other, if occasion require."

SEC. 34. Section eight (8) of said chapter is amended by striking out of all said section after the words "not otherwise provided for," and inserting in lieu thereof the following: "For a sinking fund not less than one-half ( $\frac{1}{2}$ ) mill on the dollar, for library and park funds such amounts as shall be required by law."

SEC. 35. Section nine (9) of said chapter is amended by adding at the end thereof the following: "The foregoing shall not be held to prevent the common council from negotiating temporary loans as occasion may require for an amount not exceeding in the aggregate two hundred and fifty thousand dollars (\$250,000), at a rate of interest not exceeding six (6) per cent, and for a period of time not to exceed



three (3) years. Said loans shall be evidenced by coupon notes executed by the mayor and clerk and countersigned by the comptroller, and may be negotiated for not less than their face value, without advertisement, as the exigencies of the occasion may require. The amount of said temporary loan shall be taken to be and held to be a part of the general indebtedness of the city, and shall not at any time be so issued as to make the total indebtedness of the city exceed five (5) per cent of the assessed valuation."

**Water and Light Bonds.** — The city of Duluth is hereby authorized to issue water and light bonds to such an extent as may be necessary for the purpose of erecting and maintaining suitable water and light plants, or for purchasing any water or light plant in operation in said city. Said bonds shall be issued, sold and evidenced in the same manner as the general bonds of the city, except as hereinafter provided. They shall be a first lien upon all water and light appliances and structures of every kind erected, owned or purchased by said city, and the amount of indebtedness required in order to secure said water and light plants shall not be deemed to be a part of the general indebtedness of the city heretofore referred to as not to exceed five (5) per cent of the assessed valuation of property within said city, but shall be held to be a special indebtedness, and shall be, as hereinbefore stated, a special and exclusive lien upon all water and light franchises purchased by said city in whole or part by said funds.

Said water and light bonds shall be issued in the following manner: Whenever the common council may deem it expedient they shall submit to the legal voters of the city, at any general city election or at a special election to be called by said common council for that purpose, the proposition of issuing said water and light bonds to an amount deemed by them desirable to be issued at such time. Said election shall be called, if a special election, and whether special or general shall be conducted, in the same manner and with the same formalities as other city elections. The ballots to be voted at said election may read as follows:

"1. In favor of the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting or purchasing a water plant."

"1. Against the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting or purchasing a water plant."

"2. In favor of the proposition of expending the moneys derived from the sale of said bonds in erecting a water plant."

"2. In favor of the proposition of expending the moneys derived from the sale of said bonds in purchasing a water plant already in existence in said city."

"3. In favor of the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting a light plant for the city of Duluth."

"3. Against the proposition of issuing water and light bonds to the extent of (*here state amount*) for the purpose of erecting a light plant for the city of Duluth."

"4. In favor of the proposition of using the moneys derived from the sale of said bonds in erecting a light plant for said city."

"4. In favor of the proposition of using the money to be derived from the sale of said bonds for purchasing a light plant already in existence in said city."

If a majority of the votes cast at said election shall be in favor of issuing water and light bonds, the city of Duluth shall, through its proper officers, without further act, be authorized to issue said bonds to the amount voted and to sell and negotiate the same the same as other city bonds. It shall be the duty of the common council to expend the moneys derived from the sale of said bonds in accordance with the directions of the voters as shown by said election.

Said common council may from time to time thereafter submit the proposition of issuing additional water and light bonds, in such additional sums as they may deem wise, to the legal voters of said city. The ballots may be in substantially the foregoing forms with such changes as may be necessary, and, if a majority of the votes cast at such election shall be in favor of issuing said additional water and light bonds, the said city of Duluth, through its proper officers, shall be authorized to issue such additional water and light bonds as may be authorized by said voters.

In case the city shall purchase any existing water and light plant, in arriving at the purchase price there shall be taken into consideration the condition of said plant at the time of said purchase, and any depreciation that may have taken place in the value of said plant by reason of said plant having been for some time in use, or by reason of said plant or the machinery thereof, or any part thereof, having become more or less obsolete by reason of subsequent improvements in said kinds of machinery since the making thereof.

If the common council and the owners of any water or light plant which said common council may deem it advisable to purchase, cannot agree upon a just and reasonable price to be paid for said plants, the city of Duluth may acquire said plants by condemnation in the same way that other property may be acquired by said city under the provisions of chapter six (6) of the city charter.

If any of said plants so to be acquired have bonds outstanding, which by their terms are not due, and the parties owning the same refuse to surrender the same for their value, the city of Duluth may assume said bonds; *Provided*, that the amount of bonds so assumed shall not exceed the amount to be paid by said city for said plant.

Whenever the city of Duluth shall erect or acquire, by purchase or condemnation, any light or water plant, the common council may, by ordinance, create a department of government known as "Water and Light Department," and may provide for such officers and assistants as may be necessary to carry on the business and discharge the duties of said department, may regulate the rates to be charged, the method of supply of water and light to public and private consumers and the compensation to be paid to all employes of said department, or said common council may devolve the duties of said department in whole or in part upon the board of public works.

Should the revenues derived from water and light plants owned by the city exceed the cost of operating and maintaining the same, not less than twenty-five (25) per cent of the net revenue shall be set aside by the city to create a sinking fund for the purchase of said bonds as the same become due.

SEC. 36. Section fifteen (15) of said chapter nine (9) is amended by inserting in the last part thereof, after the words "and all such banks," the words "not to exceed five (5) in number," and by inserting in the first (1st) line of said section, after the words "City of Duluth," the words "organized under the national or state banking acts."

SEC. 37. Section twenty-three (23) of said chapter is amended by striking out the words "all bonds in the hands of the city treasurer," and inserting in lieu thereof "all bonds given to the city of Duluth, in the hands of whatever officer said bonds may be."

SEC. 38. Section one (1) of chapter ten (10) of said act is amended by striking out the words "with his recommendations in the matter, and the common council may thereupon take such action as they may deem expedient," and inserting in lieu thereof the words "but said suspension by the mayor shall be final without any action upon the part of the common council. No person shall hold the office of policeman within the city of Duluth who cannot read and write the English language, and who is not a qualified voter of the state of Minnesota."

SEC. 39. Section eight (8) of said chapter is amended by adding the words "but said punishment shall not exceed a fine of one hundred dollars (\$100), or imprisonment for a period of ninety (90) days."

SEC. 40. Section five (5) of chapter eleven (11) of said act is amended by striking out the first (1st) sentence thereof, and inserting in lieu thereof the following: "Said commissioners shall each receive an annual salary of two hundred dollars (\$200)."

SEC. 41. Section thirteen (13) of chapter twelve (12) of this act is amended by striking out said entire section, and inserting in lieu thereof the following:

*First*—Any department of the city of Duluth in asking for proposals for the doing of any work or services or the furnishing of any material or merchandise, may require parties submitting proposals to accompany the same with the oath of the party bidding, or, if a corporation is bidding, with the oath of their president or secretary, that said bid is made without collusion, directly or indirectly, with any officer of the city or with any other bidder, and that no person, company or corporation other than the bidder is interested, directly or indirectly, or is to receive, directly or indirectly, any part of the moneys to be received from the city for the work, services, material or merchandise which is the subject of said bid. Any department of the city of Duluth may reject bids, offering to sell to said city material or merchandise on which convict labor has been employed, or may reject any material or merchandise upon which convict labor has been employed, which shall be offered in fulfillment of any bid or proposal.

*Second*—It shall be the duty of the common council in regard to any territory annexed to the city subsequently to the first (1st) day of January, eighteen hundred and ninety-one (1891), whenever ten (10) persons, residents of said annexed territory, shall petition the common council asking that no license for the sale of intoxicating liquors be granted within said annexed territory, to refuse to grant any license for the sale of liquors within such territory until after the matter of granting liquor license within said territory shall have been submitted to a vote of the qualified electors of said annexed territory at a general election, or at some special election called by the com-

mon council; *Provided*, that said petition shall have been presented to said council long enough before the first (1st) day of July to admit of said general or special election to have taken place.

If said territory shall decide not to have liquor licenses granted within its limits, no license shall be granted therein for the sale of liquors until such time as the qualified voters of said district shall, at an election duly held, have voted in favor of such license.

*Third* — The common council of the city of Duluth may, by ordinance, establish police patrol limits within the city of Duluth, within which limits said common council may grant the right to sell intoxicating liquors, and outside of which no person shall be licensed or shall sell intoxicating liquors, and may enforce the provisions of said ordinance by proper penalty.

*Fourth* — The city of Duluth is hereby authorized to bridge or tunnel the canal across Minnesota Point, so as to restore connection between that part of Minnesota Point severed by said canal from the main land and said main land. If said connection is restored by bridge, said bridge shall have a clear span of at least two hundred (200) feet, and shall be built and operated upon the most approved plan, so as to interfere as little as may be with navigation. If said connection is restored by tunnel, the top of said tunnel shall be at least twenty-two (22) feet below the surface of the water in said canal. The work of bridging or tunnelling said canal shall be undertaken under the provisions of chapter five (5) and six (6) of the charter of the city of Duluth, and all the provisions of said charter relative to the undertaking of said work or the making of assessments therefor, or enforcing said assessments, shall be carried out in reference to said work, with the single exception that the board of public works need not assess more than one-half ( $\frac{1}{2}$ ) the cost of said work upon the property deemed to be benefited by said work, and the balance of said cost may be paid from the general fund of said city, or otherwise, as the common council may deem most available.

*Fifth* — Whenever it shall appear to the common council that the necessity no longer exists for the existence of any of the officers or offices created or provided for in the charter of the city of Duluth, the common council may abolish said office and dispense with the further services of said officers; *Provided*, that the foregoing shall not be held to apply to the office of mayor, alderman, city clerk, board of public works, city engineer, city attorney, health department or health officers, board of park commissioners, chief of police or police officers, city assessor, judges of the municipal court or officers of said court, building inspector, city treasurer, city comptroller, or board of fire commissioners, chief of fire department or firemen.

SEC. 42. The foregoing reference to Chapter two (2) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), is intended to refer to said chapter as amended by the various special laws passed in the year eighteen hundred and eighty-nine (1889), as hereinbefore referred to, and all the provisions of said acts, or any of them, inconsistent herewith are hereby repealed.

SEC. 43. This act shall take effect and be in force from and after its passage.

Approved March 2, 1891.

## CHAPTER 56.

[H. F. No. 994.]

AN ACT PROVIDING FOR THE EXTENSION OF THE LIMITS OF THE CITY OF DULUTH BY THE ANNEXATION OF THE VILLAGE OF WEST DULUTH, THE VILLAGE OF LAKESIDE AND OTHER ADJACENT TERRITORY TO SAID CITY OF DULUTH.

WHEREAS, There exists in St. Louis county, adjacent to the bay of Duluth and bay of St. Louis, three (3) separate municipal corporations; and

WHEREAS, In the opinion of the inhabitants of said several corporations, the interests of the people of said section and of the state demand that said corporations be merged into one and the limits of that one so extended that a single strong municipal government may exist upon said waters; and

WHEREAS, The inhabitants of said city and said villages and other territory adjacent to said city of Duluth have agreed upon the extension of said city limits upon the terms hereinafter set forth;

*Now, therefore, in consideration of the foregoing,*

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The limits of the city of Duluth in the county of St. Louis are hereby fixed, subject to the annexations hereinafter provided for, as follows, to-wit: Beginning at a point where the north line of section twenty-five (25), township fifty-one (51) north, range thirteen (13) west, in St. Louis county, Minnesota, intersects the shore line of Lake Superior; thence west to the northwest corner of section twenty-six (26) in said township and range; thence south to the quarter corner on west line of said section twenty-six (26); thence west to the centre of section twenty-seven (27) in said township and range; thence south to the quarter corner on the south line of said section twenty-seven (27); thence west to the northwest corner of section thirty-five (35), in township fifty-one (51) north, range fourteen (14) west; thence south to the southwest corner of said section thirty-five (35); thence west to the northwest corner of township fifty (50) north, range fourteen (14) west; thence south to the southwest corner of said townships; thence east to the quarter corner on the south line of section thirty-two (32) in said township and range; thence south to the northwest corner of lot two (2), section five (5), township forty-nine (49) north, range fourteen (14) west; thence east to the shore of St. Louis bay; thence southeasterly to the state line in the bay of St. Louis, between Minnesota and Wisconsin; thence along the state line to the mouth of St. Louis river, at the natural entry of the bay of Superior, Minnesota and Wisconsin points; thence in a straight line to the place of beginning. The following portion of said described territory, to-wit: Beginning at a point where the north and south line through the centre of section thirty-four (34), township fifty-one (51), range thirteen (13) west, extended, intersects the shore line of Lake Supe-

rior; thence north to the centre of said section thirty-four (34); thence west to the centre of section thirty-three (33), in said township and range; thence south to the quarter corner on the south line of said section thirty-three (33); thence west to the northwest corner of township fifty (50) north, range thirteen (13) west; thence south to the southwest corner of section seven (7), in said township and range; thence east to the north and south line through the centre of the west half of said section seven (7); thence south to the shore line of Lake Superior, and comprising the village of Lakeside, is exempt from the operation of this act until the first (1st) day of January, A. D. one thousand eight hundred and ninety-three (1893), or until such earlier time as the legal voters of said territory shall, at a general or special election duly called and held, have voted in favor of annexation to said city of Duluth under the provisions of this act; and thereupon any municipal corporation existing in said territory shall cease and determine, and said territory shall become a part of said city of Duluth without further act.

SEC. 2. On the first (1st) day of January, A. D. one thousand eight hundred and ninety-four (1894), the following described territory in the said county of St. Louis, to-wit: Beginning at a point where a line drawn through the centre of the east half (4) of section five (5), township forty-nine (49), range fourteen (14) west, in said county of St. Louis, extended, intersects the shore line of the bay of St. Louis; thence north to the northeast corner of lot two (2), in said section five (5); thence west to the northwest corner of said lot two (2), thence north to the quarter corner on the north line of said section five (5); thence west to the northwest corner of section two (2), township forty-nine (49), range fifteen (15) west; thence south to the southwest corner of section fourteen (14), township forty-nine (49), range fifteen (15) west; thence west to the northwest corner of section twenty-two (22), in said township and range; thence south to the township line between townships forty-nine (49) and forty-eight (48) north of range fifteen (15) west; thence east on said township line to the state line between Minnesota and Wisconsin; thence northeasterly along said state line to the southwesterly corner of the city of Duluth in the bay of St. Louis; thence in a northwesterly direction to the place of beginning, shall be annexed to and become a part of the said city of Duluth, and any municipal corporation then existing in said territory shall thereupon cease and determine, and the said territory shall become a part of said city for all purposes without further act.

SEC. 3. On the first (1st) day of January, A. D. one thousand eight hundred and ninety-five (1895), all the following described territory in the said county of St. Louis, to-wit: All of township forty-eight (48) north, range fifteen (15) west, shall be annexed to and become a part of the said city of Duluth, and any municipal corporation then existing therein shall thereupon cease and determine, and the said territory shall become a part of said city for all purposes without further act.

SEC. 4. On the first (1st) Tuesday of December, one thousand eight hundred and ninety-three (1893), at two (2) o'clock P. M., the judges of the district court in and for St. Louis county shall meet at the court house in the city of Duluth, and shall proceed to divide the territory then comprising the city of Duluth and the territory mentioned in section two (2) of this act into not more

than ten (10) wards, comprising, as near as may be, equal population for each ward. All of said municipal corporations shall be entitled to be heard before the said judges, and the said judges shall also be entitled to call to their assistance any officer of the city of Duluth or of such municipalities as shall be then existing in the said territory described in section two (2) of this act. Said judges shall make their decision in writing and file the same with the city clerk of the city of Duluth within twenty (20) days from the said first (1st) Tuesday of December, one thousand eight hundred and ninety-three (1893). The ward boundaries so fixed by said judges shall be the wards of the city of Duluth from and after the first (1st) day of January, one thousand eight hundred and ninety-four (1894), and shall not be changed until after the general city election held in the month of February, one thousand eight hundred and ninety-four (1894).

SEC. 5. At the time of the actual annexation of the territory comprising the village of West Duluth, as hereinbefore mentioned, to the city of Duluth, an apportionment of the indebtedness of the city and said village of West Duluth shall be made upon the following terms, to-wit: All indebtedness incurred by either municipal corporation for the general benefit of the entire section shall be assumed and paid by the general city as extended; all indebtedness incurred by either corporation for purely local purposes shall be borne by the territory covered by the corporation incurring it. In arriving at a general settlement and adjustment of such indebtedness account shall be taken of the public buildings or improvements made by either corporation, and paid for in cash, which will be of general benefit to the extended city, and proper allowance thereof be made to the corporation making said buildings or improvements. Unless the city of Duluth and the said village of West Duluth can agree upon such apportionment of indebtedness the whole matter of such indebtedness shall be referred to nine (9) arbitrators, three (3) to be chosen by the city of Duluth, who shall be residents and freeholders thereof, three (3) by the village of West Duluth, and three (3) by the six (6) so chosen. Said arbitrators shall be chosen and appointed not later than the fifteenth (15th) day of December, one thousand eight hundred and ninety-three (1893), and said arbitrators shall be entitled to call to their aid any officer of the city of Duluth or village of West Duluth, and they shall, on or before the fourth (4th) Monday in December, one thousand eight hundred and ninety-three (1893), file their award with the clerk of the city of Duluth, and such award shall be final, except that either side may appeal to the district court as in other cases within twenty (20) days after filing of the award.

At the annual city election in February, one thousand eight hundred and ninety-four (1894), there shall be elected for each ward two (2) aldermen, one (1) of whom shall hold his office for one (1) year and one (1) for two (2) years. Such elections shall in all respects be conducted as provided by the charter of the city of Duluth.

SEC. 6. This act shall not be held or construed to extend any rights, contracts or franchises, owned or held by any private person, company or corporation in the city of Duluth, as said city existed at the time of the passage of this act, over the territory added by this act to the corporate limits of said city of Duluth; but all such rights and franchises, whether existing by an ordinance of the former village or former city of Duluth or the present city of Duluth, or by an act of the

legislature of this state, shall be restricted to the limits which they occupied prior to the passage of this act; nor shall this act in any way be construed to validate or invalidate any such rights, contracts or franchises, but they shall have the same legal status as if this act had not been passed. And this act shall not be deemed or construed to affect any right, contract entered into with, or franchise granted by, any municipal corporation existing or to exist in the territories described in sections two (2) and three (3) of this act, before actual annexation as provided by this act, but all such rights, contracts and franchises shall have the same force and effect in all respects as if this act had not been passed.

SEC. 7. The municipal court of the village of West Duluth, a municipal corporation existing in the territory described in section two (2) of this act, as the same shall be organized at the time of actual annexation of said territory as provided in this act, shall not be abolished, but the same shall continue and be a municipal court of the city of Duluth to the same extent and with the same powers as it then shall have in the said village of West Duluth.

SEC. 8. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

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## CHAPTER 57.

[H. F. No. 997.]

AN ACT TO INCORPORATE THE CITY OF LAKESIDE, TO PROVIDE FOR ITS FUTURE ANNEXATION TO THE CITY OF DULUTH AND TO THE INDEPENDENT SCHOOL DISTRICT OF DULUTH.

*Be it enacted by the Legislature of the State of Minnesota :*

### CHAPTER I.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described shall be a city by the name of Lakeside, and all the people now inhabiting, and those who shall hereafter inhabit, such district shall be and form a municipal corporation under the name of the city of Lakeside.

The said corporation shall have the power generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted and the authorities thereof shall have perpetual succession. It shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law or equity; it shall have a corporate seal, which it may alter at pleasure, and it may purchase, lease, take and hold such real, personal and mixed property as may be required for city use or purposes, within or without the limits of the city, and may lease or sell and convey the same.



SEC. 2. The district of country constituting the city of Lakeside shall be the following described lands, situate in the county of St. Louis and state of Minnesota, to-wit: All of fractional township fifty (50) north of range thirteen (13) west, excepting lot numbered two (2) in said township; the southeast quarter ( $\frac{1}{4}$ ) of section thirty-three (33), the northwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) and lots three (3) and four (4) in section thirty-four (34), all in township fifty-one (51) north of range thirteen (13) west.

## CHAPTER II.

### OFFICERS AND ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, recorder, three (3) aldermen, treasurer, two (2) justices of the peace, one (1) assessor and one (1) constable.

SEC. 2. Said city shall constitute an election district or precinct for the holding of all elections provided for under the general laws of this state and also for all elections provided for in this act.

All officers shall be qualified electors of the district in which they shall be elected or appointed, and all elective officers shall hold their offices (except as hereinafter specially provided) for the term of one (1) year and until their successors are elected and qualified, except the city justices, who shall hold their offices for two (2) years and until their successors are elected and qualified.

SEC. 3. General elections after the first shall be held on the first (1st) Tuesday in February of each year. At least thirty (30) days before any general election the city council shall designate three (3) persons to act as judges or inspectors and two (2) persons to act as clerks for each elective precinct at such election. All elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections, and like notice shall be given. When any election shall be closed, the judges or inspectors shall make return thereof to the city recorder within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city recorder shall forthwith give notice to the persons elected of their respective elections, and they shall assume the duties of their respective offices on the first (1st) Monday following such election.

SEC. 4. The village officers of the present village of Lakeside, elected at the annual village election of said village held in March, eighteen hundred and ninety-one (1891), shall hold the corresponding offices in the city of Lakeside, herein provided for, until the annual election of said city of Lakeside in the year eighteen hundred and ninety-two (1892), and until their successors shall be elected and qualified; that is to say, the president of said village shall be mayor of said city, the trustees of said village shall be aldermen of said city, and the treasurer, recorder, justices of the peace and constable of said village shall be respectively treasurer, recorder, justices of the peace and constable of said city, until said annual election in the year

eighteen hundred and ninety-two (1892), and until their successors are elected and qualified; and the said city council shall appoint an assessor of said city, who shall hold office until said annual city election in the year eighteen hundred and ninety-two (1892), and until his successor is elected and qualified.

SEC. 5. Special elections in and for said city may be held at any time, for any proper purpose, upon the order of the city council. At least ten (10) days' notice of any such special elections shall be given as provided by law, and such notice shall state the object of such election.

SEC. 6. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office, and such ballots may be written or printed or partly written and partly printed. A plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as the city council shall direct.

All persons entitled to vote for state or county officers, and who shall have resided in said city, or any election district thereof, for ten (10) days next preceding any general or special election, shall be entitled to vote thereat.

Any person removing from the city, or any person who shall refuse or neglect for ten (10) days after notice of his election or appointment to qualify and enter upon the duties of his office, shall be deemed to have vacated his office; and any officer having entered upon the duties of his office may resign by giving notice thereof to, or with the consent of, the city council, and it shall then be the duty of such council to declare the office vacant and to provide that the same shall be filled as hereinafter provided. Whenever a vacancy shall occur in any elective office by removal, resignation or otherwise, the city council shall have power to fill the same by appointment.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of his predecessor, and with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

No person shall be eligible to, nor shall be elected or appointed to, any office in the city who is in any manner, either directly or indirectly, interested in any contract of the city, regardless as to whether said contract was made with the city council, or any officer or board or committee of such city, for the benefit of such city; and all contracts made by the said city council, or any officer, board or committee of said city, for the benefit of said city, with any officer, either directly or indirectly, shall be wholly void.

Every person elected or appointed to any office under the provisions of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city recorder, and the treasurer, recorder and such other officers as the city council shall require, shall, severally, before they enter upon the duties of their respective offices, execute to the city of Lakeside bonds in such amounts and with such sureties and conditions as the city council shall prescribe and approve.

SEC. 7. Should there be a failure by the people to elect any person herein required to be elected, on the day designated, the city council may order a new election to be held, ten (10) days' notice of time and place being given.

### CHAPTER III.

#### THE DUTIES OF OFFICERS.

SECTION 1. The mayor shall be chief executive officer of the city, and *ex-officio* president of the city council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all the other officers of the city shall discharge their respective duties.

SEC. 2. The city recorder shall keep his office at the place of meeting of the city council, or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the city council. Copies of all papers filed in his office, and transcripts from all records of the council certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders upon the city treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

The city recorder shall have power to administer oaths and affirmations. It shall be his duty to report to the city council the financial condition of the city whenever the council shall require. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and shall recommend such action to the city council as will secure the payment of the interest on such bonds. On or about the first (1st) day of September, or before the time of the levy of taxes in each year, he shall estimate the expenses of the city and the revenue to be raised for the ensuing year. He shall countersign all contracts made in behalf of the city, and all certificates of work authorized by the city council, or by any city officer.

The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates of indebtedness which have been redeemed and the amount of each outstanding; he shall countersign all bonds, orders or other evidences of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purposes issued and the amount thereof; he shall keep accounts of all receipts and disbursements of the officers of the city, showing the amount they have received from the different sources of revenue and the amount they have disbursed under the direction of the city council.

The recorder shall examine all the reports, books, vouchers and accounts of the city treasurer, and from time to time perform such other duties as the city council may direct, and shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts with an index thereto. Such records shall be open to the inspection of all parties interested.

He shall perform all other services by law required of the clerks of cities or townships within said city, but when services are required of him by public law for which compensation is provided, such services shall not be regarded as services for the city, and he may retain such compensation in addition to the salary paid to him by the city.

He shall receive a compensation, to be fixed by the city council, and they may change, increase or diminish the same during the time for which such officer was elected or appointed.

SEC. 3. The city council shall cause to be transmitted to the county auditor, on or before the first (1st) day of October of each year, a statement of all taxes and assessments as levied by them, and such taxes and assessments shall be entered and collected and the payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

The county treasurer of St. Louis county shall pay over such taxes and assessments, together with all interest and penalties which shall be collected on account of the same, when collected, to the treasurer of said city of Lakeside.

Whenever, previous to any of the settlements provided for by the general law, there shall be a lack of funds in the city treasury which shall have been collected on account of city taxes or assessments, the county treasurer shall, on application of said city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlement with the city.

The city treasurer shall also, forthwith, after such receipts, and after such settlements, adjust and apportion the funds so advanced from the county treasury, and so received by him, among the several funds in his hands.

SEC. 4. The justices of peace of the city, styled the city justices, shall possess all the authority, power and rights of a justice of the peace for the county of St. Louis, under the laws of this state, and in addition thereto shall have exclusive jurisdiction to hear and try and determine, in a summary manner, without a jury, all complaints for the violation of any provision of the charter, or any ordinance, by-law, rule or regulation made or adopted pursuant thereto or by virtue thereof, and all cases cognizable before a justice of the peace in which the city is a party, and all writs, prosecutions and proceedings for the recovery of any fine or forfeiture or penalty under any by-law, ordinance or regulation of said city or its charter, and in all cases of offenses committed against the same.

All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation of said city, shall be brought in the name of the city of Lakeside, and the forms and proceedings shall be had and used therein, and in all civil suits or proceedings before said justices, except as are herein otherwise required, as are established to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgments and decisions of said justices of the peace shall be allowed as now are, or may hereafter be, provided by law for appeals from judgments or decisions rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances

of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500). All fines and penalties imposed by the city justices for offenses committed within the city limits for the violation of any ordinance, regulation or by-law of said city, shall belong to and be a part of the finances of said city; said justices shall receive the same fees and compensation for their services received by justices of the peace of the county for like services.

Said justices shall be at their offices for the transaction of business at such reasonable hours as the city council may prescribe, and complaints may be made to, and writs and process issued by, them at all times, in court or otherwise.

City justices shall receive for compensation such fees as justices of the peace of the county are allowed by law, and in criminal cases arising from violation of state laws such fees shall be paid by the county of St. Louis, and in cases arising under the ordinances of said city said fees shall be paid out of the treasury of said city.

The constable shall have the powers conferred on constables by the laws of this state, and, in addition thereto, all the powers of police officers of said city.

SEC. 5. The assessor of the city of Lakeside shall qualify and perform the duties pertaining to his office in accordance with the general laws of the state relative to assessors, and shall, at the time provided by the general laws of the state, be present at the office of the city recorder, or at such other place as the city council may require, with his assessment books for review. He shall be present during the review of such assessment, to advise, if needed, in regard to the same, and, upon completion of said review, within the time prescribed by the general laws, shall make a final return to the county auditor. He shall receive such compensation for his services as the city council shall direct.

SEC. 6. The city council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and when required shall furnish opinions in writing upon any subject submitted to him by the city council or any of the committees.

SEC. 7. The city council may elect a city engineer, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the city council may prescribe his duties and fix the fees and compensation for any services performed by him.

All surveys, minutes of surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be filed and carefully preserved in the office of the recorder and be open to the inspection of all persons interested.

SEC. 8. The city council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein described, and not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties unless otherwise provided for; but no officer elected or appointed by the council shall

be elected or appointed for a longer term than until the next annual election of officers and until his successor is elected or appointed and qualified.

The city council shall have the power, unless otherwise provided, to fix the compensation of all officers elected or appointed under this act, which compensation shall be fixed by resolution, and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer was elected or appointed, except as herein otherwise provided; *Provided*, that no member of the city council, except the recorder, shall receive compensation for his services as such officer in excess of ten dollars (\$10) in any one year.

SEC. 9. If any person having been an officer of said city shall not within ten (10) days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, his successor may take possession of said books, papers and effects in the manner prescribed by the laws of this state, and such person shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding ninety (90) days.

SEC. 10. The mayor, chief of police, officers of the police next in rank to the chief, the sheriff of the county of St. Louis, or his deputy or deputies, the coroner, each alderman, the justices of the peace, police officers, constables and watchmen, shall be officers of the peace, may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of bystanders, and, if need be, of all the citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine not to exceed fifty dollars (\$50), and in default of the payment thereof be imprisoned not to exceed thirty (30) days. In cases where the civil power may be required to suppress riots or disorderly behavior, a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

## CHAPTER IV.

### THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor, recorder and aldermen shall constitute the city council. The style of all ordinances shall be "The City Council of the City of Lakeside do ordain." A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

SEC. 2. The city council shall hold stated meetings on the Monday following the annual election, at eight (8) o'clock P. M., and other stated meetings shall be held as prescribed by the rules and resolutions of the council; and the mayor may call special meetings of the council by a written notice to each of the members, to be delivered personally, or left at their usual place of abode or business; which notice shall contain a statement of business for which said

meeting is called; and no other business shall be transacted at such special meeting except such as is designated in such notice.

SEC. 3. The city council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for persons and papers. It shall determine the rules and regulations of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members, in addition to the forfeiture provided for in this act.

At the first meeting of the city council in each year, the city council shall elect from their number a vice president, who shall preside at the meetings of the council in the absence of the mayor, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of the mayor.

SEC. 4. The city council shall have power to remove from office any officer of the city, whether appointed by the council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges against him, nor until such person shall have had reasonable opportunity to be heard in his own defense; continued absence from the meetings of the council, in case of the aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract with the city, shall be good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses, and to hear and determine the case, and if such officer refuse or neglect to appear and defend himself, the council may declare the office vacant.

SEC. 5. The city council shall have the management and control (subject to the provisions of this act) of the finances and all property of the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government of the city, and to promote the good order of the same, for the suppression of vice and intemperance, for the benefit of the inhabitants thereof, and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a city prison and workhouse for the imprisonment, custody and safe keeping of all persons arrested for, or charged with, any offense against any ordinance of the city or laws of the state cognizable by the justices of the peace for the city; to make rules and regulations for the government and management of said city prison and workhouse, and to appoint keepers and other officers of the same; to prescribe their duties and fix their compensation. The keepers of said prison and workhouse shall possess all the powers and authority of jailers at common law and by the laws of the state. The city council shall have full power and authority to declare and impose penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed or ordained by them, to the extent of a fine not exceeding one hundred dollars (\$100), together with costs of suit, or im-

prisonment in the city prison or county jail of St. Louis county for a period not exceeding ninety (90) days.

All such ordinances, rules and by-laws are hereby declared to have the force of law within the city; *Provided*, that they are not repugnant to the constitution or laws of the United States or of this state, and for these purposes said city council shall have authority by ordinances, rules or by-laws:

*First*—To license and regulate the exhibition of common showmen and shows of all kinds, the exhibition of circuses, concerts, theatrical performances, and also to license and regulate all auctioneers, billiard tables, bowling alleys, nine or ten pin alleys, butcher shops and butcher stalls and venders of butcher meats, pawnbrokers, skating rinks, victualing houses, and all places of public amusement, and all dealers in second-hand goods, junk dealers and all keepers of intelligence offices and employment offices, all draymen and hackmen; *And provided further*, that the power to regulate above given shall extend to and be construed to include the power to define who shall be considered pawnbrokers, auctioneers, dealers in second-hand goods and junk dealers.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purposes of gambling, within the city.

*Third*—To prevent any fighting, brawling, assault, battery, disorderly noise, riot or disorderly assemblage in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purposes of gambling.

*Fourth*—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, hide warehouse, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

*Fifth*—To direct the location and management of stock yards, slaughterhouses, markets, soap factories, glue factories and bone boiling establishments, and to regulate the storage, keeping and conveyance of gunpowder, dynamite or other explosive or combustible material, and to regulate the use thereof in the city.

*Sixth*—To prevent the incumbering or obstruction of streets, sidewalks, alleys, lanes and public grounds with carriages, railroad cars or locomotives, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs or any other material whatever.

*Seventh*—To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds in said city; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on each side of such track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair sidewalks, also suitable crossings at the in-



tersections of the streets and alleys, and sewers, ditches and culverts when the council shall deem necessary; to regulate the movement and speed of railway locomotives and cars; to require the maintenance of flagmen or the construction and maintenance of gates at the crossings of railway tracks over such streets and avenues of the city as the city council shall deem to require such precaution; to regulate or prohibit the whistling of locomotive engines; to regulate or prohibit the unnecessary discharge of steam therefrom and the causing or permitting steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances as it may designate for the purpose of preventing or lessening the noise from the discharge or escape of steam; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing on the streets, and to require that all persons driving horses or mules attached to sleighs at a faster gate than a walk shall have a sufficient number of bells to give notice of their approach; and to regulate places of bathing and swimming in the water within the city limits.

*Eighth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same when at large contrary to the ordinance; and to impose penalties upon the owners of the same for a violation of such ordinance; *Provided*, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within six (6) months from the date of such sale.

*Ninth*—To prevent the running at large of dogs, and to require a license for keeping the same, and to provide for and authorize the impounding and destruction, in a summary manner, of all dogs when at large contrary to the ordinance.

*Tenth*—To prevent any person from bringing, depositing or leaving within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons, and to provide for the punishment of offenders.

*Eleventh*—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, avenues, alleys and public grounds of said city, and to provide for and control the erection and operation of water works by said city for the supply of water to said city and its inhabitants, and to grant the right of way to one (1) or more private companies or corporations to erect and operate water works to supply said city and the inhabitants thereof with water, and to authorize and empower said company or corporation to lay water pipes and mains into, through and under the streets, avenues, alleys and public grounds of the said city, and when necessary for properly carrying out the purpose of said company or corporation, to appropriate private property in the city of Lakeside to the use of said company or corporation, in the manner provided in their charter, and to control the erection and operation of such water works and the laying

of such pipes and mains in accordance with such terms and conditions as may be agreed upon with said company or corporation; to provide for and control the erection and operation of gas works, electric light works or other works or means for lighting streets, avenues, alleys and public grounds and buildings of said city, and supplying light and power to said city and to the inhabitants thereof, and to grant the right to erect, maintain and operate such works with all rights incident or appurtenant thereto to one (1) or more private companies or corporations, and to control the erection and operation of such works and the laying of pipes, mains and wires into, through and under the streets, avenues, alleys and public grounds of said city of Lakeside, and the erection of poles, masts and towers, and the running of wires thereon, over, in, upon and across the streets, avenues, alleys and public grounds of the city; to provide for and control the erection and operation of works for heating the public buildings of the city by steam, gas or other means, and supplying heat or power to the inhabitants of the city; to grant the right to erect such works and all incident rights to one (1) or more private companies or corporations, and to control the erection and operation of such works and the laying of pipes and mains into, through and under the streets, avenues, alleys and public grounds of the city; *Provided*, that every grant to a company or corporation to erect, maintain or operate any of said works shall provide that the city or its successor may purchase the same at any time after fifteen (15) years from the commencement of such grant, at a valuation to be agreed upon or determined in a manner to be prescribed in the grant.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and for the registration of births and deaths and the return of bills of mortality, and regulate or prevent the burial of the dead within the city limits.

*Thirteenth*—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread offered for sale contrary thereto.

*Fourteenth*—To prevent any person from riding or driving any horse, ox, mule, cattle or other animal on any sidewalk in said city, or in any way doing damage to such sidewalks.

*Fifteenth*—To prevent the shooting of firearms or firecrackers, and to prevent any exhibition of fireworks in any situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any citizen thereof.

*Sixteenth*—To prevent open drunkenness or obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Seventeenth*—To license and regulate porters, expressmen, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, hotels, public houses or other establishments.

*Eighteenth*—To establish public markets and other public buildings, and make rules and regulations for the government and management of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

*Nineteenth*—To license and regulate butchers' stalls, shops and stands for the sale of game and fish, butter, poultry, butchers' meats and provisions, and also to license and regulate peddlers, hawkers and canvassers doing business within the city.

*Twentieth* — To regulate the place and manner of weighing and selling hay and straw and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first* — To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and, in his default, to authorize the removal or destruction thereof by some officer at the expense of the owners or occupants; also, to compel the owner or owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and, in their default, to authorize such filling or draining at the expense of such owner or owners, and to provide that such expense shall become a lien upon the lot or property so drained or filled.

*Twenty-second* — To regulate and prevent the landing of persons, from railroad cars or other conveyances, infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the city.

*Twenty-third* — To regulate the time, manner and place of holding public auctions or vendues.

*Twenty-fourth* — To provide for watchmen and prescribe their number and duties, to regulate the same, and to create and establish the police of said city, and prescribe the number of police officers and their duties and to regulate the same, except as herein otherwise provided.

*Twenty-fifth* — To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal and all kinds of meat, poultry, game, fish, salt, whiskey, and other liquors and provisions, and to authorize the seizure and destruction of any grossly impure or adulterated articles sold or offered for sale that are dangerous to the public health, and to provide for the punishment of the use of false weights and measures.

*Twenty-sixth* — To appoint inspectors, weighers and gaugers, and to regulate their duties and prescribe their compensation.

*Twenty-seventh* — To purchase or acquire by gift, devise or condemnation, lands within the city limits, or to take and hold by lease such lands for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees in the streets, alleys, parks or public grounds and highways of said city, and to appoint a suitable person to inspect and take charge of the same, and to fix his compensation and prescribe his duties.

*Twenty-eighth* — To remove and abate any nuisance injurious to the public health or morals, and the city council shall have power to define what shall be considered nuisances, and to provide for the punishment of all persons who erect or maintain such nuisances.

*Twenty-ninth* — To remove and abate any nuisance, obstruction or encroachment upon any of the streets, alleys, or public grounds or highways of the city.

*Thirtieth* — To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the city and the suppression of disease; to prevent the introduction

of contagious or infectious diseases into the city, and to make quarantine laws and enforce the same within the city.

*Thirty-first*—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Thirty-second*—To license and regulate draymen, hackmen, expressmen and other persons engaged in the carrying of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and chief of police of the city to regulate and direct the location of vehicles standing upon streets and public grounds in the city.

*Thirty-third*—To regulate the construction of all buildings more than two (2) stories in height, and to prescribe fire limits in the city, and to prohibit the erection of wooden buildings or of placing wooden sidewalks within such limits.

*Thirty-fourth*—To provide for and regulate the erection of hitching posts or rings, for the fastening of horses or other animals, or to prohibit the same in any portion of the city.

*Thirty-fifth*—To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the city, and to compel proper guards about the same.

*Thirty-sixth*—To regulate the numbering of houses and lots, and to compel owners of houses and other buildings to have such numbers designated thereon.

*Thirty-seventh*—To require the owner or lessee of any building or structure now or hereafter erected in the city, or within any limits in the city designated by the city council, to place thereon such fire escapes, and such appliances for the protection against or extinguishment of fires, as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident; and to require the owner or occupant of any lot or parcel of land within the city to clear and keep clear the same of all deadwood or other combustible or inflammable rubbish or refuse likely to increase danger from fire or to facilitate the spread of fire, and to provide for the doing of such work upon the failure of the owner or occupant so to do, and to assess the cost thereof as a special tax upon the land so cleared, such tax to be returned and collected in the same manner as other city taxes.

*Thirty-eighth*—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas and gas meters; and to appoint an inspector and prescribe his duties; also to establish and maintain gas works within the city.

*Thirty-ninth*—To regulate the location, size and construction of such steam boilers as it may designate as being dangerous to life or property within the city, and to prohibit the location of such boilers at any place which the city council may deem dangerous to life or property.

*Fortieth*—To regulate and control or prohibit the placing of poles for the suspension of electric or other wires along or across any of the streets of the city or the suspension of such wires, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed and placed beneath the streets and sidewalks of the city, and to compel the proper insulation of all electric light wires [and other wires] in use within the city.

*Forty-first* — To regulate the penning, herding and treatment of all animals within the city.

*Forty-second* — To lay out, open, change, widen or extend streets, avenues, lands, alleys, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same, or any part thereof; to establish, open, maintain and repair drains, canals or sewers, or alter, widen or straighten water courses; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks.

SEC. 6. All ordinances shall be passed by an affirmative vote of a majority of the members of the city council, by yeas and nays, which shall be entered upon the records of the council and published once in the official paper of the city, signed by the mayor and recorder, and recorded by the recorder, in a book to be kept for that purpose, before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented, except by the unanimous consent of the members present, which shall be noted in the records; but this shall not preclude the passage of any ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 7. A copy of the record of any ordinance passed, certified by the city recorder and attested by the seal of the city and any copy thereof published as aforesaid, or compilations of the ordinances made and published under the direction of the city council, shall be *prima facie* evidence of the contents of such ordinance and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions, prosecutions and proceedings of every kind before the city justices of the city, it shall not be necessary to plead or prove such ordinance in court.

SEC. 8. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which vote shall be taken by yeas and nays and entered among the proceedings of the council.

SEC. 9. The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 10. The city council shall examine, audit and adjust the accounts of the treasurer and all other officers of the city at such times as they shall deem proper, and also at the end of each year and before the terms for which the officers of the city were elected or appointed shall have expired, and, if any officer shall refuse his books, accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the city council in the discharge of his duties in pursuance of this section, the city council shall declare his office vacant, and the city council shall institute suits and proceedings at law against any officer or agent of the city who may be found delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

SEC. 11. The city council shall have the management and control of the finances and of all the property of the city, both real, personal and mixed, and may provide for the sale of any city property in such manner as it shall consider for the best interests of the city.

**SEC. 12.** Any license issued by the authority of the city council may be revoked by the said council at any time for cause, and upon conviction before any court of any person holding a license for the violation of any provision of any ordinance relative to the exercise of any right granted by such license, the council may, and upon second conviction shall, revoke such license, in addition to the penalty provided by law or ordinance for any such violation. No license shall be granted for a longer period than one (1) year, and any license granted for a longer period than one (1) year shall be void from the beginning.

**SEC. 13.** The city council may also provide by ordinance that any person convicted of any offense before a city justice, subjecting such offender to imprisonment under the ordinances of the city, may be kept at hard labor in any workhouse established for such purpose, or, in case of a male offender, may be kept at hard labor during his term of imprisonment in such workhouse or upon public improvements of said city, or otherwise, or both, and may also provide by ordinance that anyone convicted of an offense before such city justice and committed for non-payment of fine imposed, may be kept at hard labor either in such workhouse or upon public improvements, or otherwise, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, not exceeding the time of such commitment, and the council shall have full power to establish by ordinance all needful regulations for the security of such person so employed and to prevent escape and secure proper discipline.

**SEC. 14.** The city council shall, at their first meeting after each annual election, or as soon thereafter as may be, advertise for proposals to do the city printing, giving notice of not less than one (1) week in such manner as the council may direct, that sealed bids will be received by the recorder to do such printing. The bid or bids shall be publicly opened and read by the recorder at such time and place as the council shall appoint, and the person or persons offering to do such printing at the lowest sum of money or price, in any newspaper printed and published in said city or in the adjoining city of Duluth, and who shall give satisfactory security for the performance of the work, shall be declared the city printer, and such newspaper the official newspaper of said city, for the ensuing year; *Provided*, that the city council shall have the right to reject any or all bids.

In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act, or by the by-laws or ordinances of the city council, to be published in a public newspaper.

The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution.

## CHAPTER V.

## OF THE POLICE.

SECTION 1. The police force of the city shall consist of the mayor (who shall be the chief executive officer of the city), and who shall, at all times, have control and supervision of the police of the city, and such other policemen and watchmen as he shall, by and with the consent of the city council, appoint. He shall have the power to remove, suspend or discharge any police officer summarily, whenever, in his opinion, the welfare of the city demand it, either for the appointment of other officers in their places, or for the reduction of the police force.

SEC. 2. The mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment, but such limited policemen shall not exercise any police authority, nor wear any official badge, outside the limits named in such appointment.

SEC. 3. The mayor shall, in case of riot or large public gatherings or disturbance, or when in his judgment the case requires it, appoint such number of special policemen or temporary police officers as he may deem necessary, but such temporary appointments shall not continue more than one (1) week without the consent of the council.

SEC. 4. The mayor shall, in his appointments, designate one (1) officer to be chief of police, and such other officers for special duties, and with such control over the other officers or watchmen as he may deem necessary, and may designate the rank of such police officers by such proper title as he may select.

SEC. 5. All police officers and watchmen of the city shall possess the powers of constables at common law under the laws of the state, serve and execute all warrants, processes, commitments and any writ whatsoever issued out of the court of a city justice of the city, and they shall have power, with the consent or by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the city, and such criminals are charged with offenses against the state law, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

SEC. 6. The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force and the powers and duties of the several officers thereof as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercises of the police force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force.

SEC. 7. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or wear a badge of a policeman within the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding one hundred dollars (\$100) or imprisoned in the city or county jail not exceeding thirty (30) days.

## CHAPTER VI.

## FIRE DEPARTMENT.

**SECTION 1.** The city council shall have power to establish a fire department, to appoint officers and members thereof, and shall have supervision of such officers and members, and shall have power to fix their compensation and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the city and all others present to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them, or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in the city; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish and enforce such measures for the prevention or extinguishment of fires as may be necessary and proper.

## CHAPTER VII.

## TAXATION AND BONDS.

**SECTION 1.** The city council shall have power to levy an annual tax upon all property in said city taxable under the laws of this state, but no such tax shall exceed two (2) per cent of the assessed valuation of such property. All taxes so levied and collected shall be paid into the city treasury and become part of the general fund.

**SEC. 2.** Taxes may be levied by resolution of the city council, to be entered on the record, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised.

**SEC. 3.** The city council shall cause to be transmitted to the county auditor of St. Louis county, on or before the first (1st) day of October of each year, a statement of all taxes as levied by them, and such



taxes shall be entered and collected and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced, and the county treasurer of said St. Louis county shall pay over to the treasurer of the city any and all taxes collected by him or received by him for said city as provided by general law.

SEC. 4. The city council, or a majority of them, shall constitute a board of review, and shall meet and revise, alter and equalize the assessment roll of the assessor as they deem just and proper. The general laws of this state shall apply to said board of review, and said board shall be governed thereby.

SEC. 5. The city council shall have power, when so authorized by a majority of the legal voters present and voting at any general or special city election of which due notice as to time, place and object of the election has been given, to issue the bonds of the city, running not more than twenty (20) years, and bearing interest at a rate not to exceed eight (8) per cent per annum on bonds payable three (3) years or less, and not to exceed six (6) per cent per annum on bonds payable in more than three (3) years from date of issue, principal and interest payable at such times and places as may be fixed by the resolutions of the council. Such bonds shall be signed by the mayor, attested by the recorder and sealed with the seal of the city. Such bonds shall be sold at not less than par, and the proceeds from the sale thereof shall go into, and become a part of, the general fund of the city. Such bonded indebtedness of the city shall not at any time exceed five (5) per cent of the assessed valuation of taxable property in the city according to the then last assessment.

## CHAPTER VIII.

### CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE.

SECTION 1. The city of Lakeside is hereby authorized and empowered to condemn property, or any right, interest or easement therein, for any or all of the following purposes, to-wit: For water works, gas works, heating works and electric light and power works; for markets, parks, public grounds, public squares and sites for public buildings and for buildings for the fire departments; for the construction of slopes, embankments or cuts; for sewers, drains, ditches, reservoirs and cisterns; for the laying out, opening, altering, widening and extending, parking or otherwise improving of streets, avenues, parkways, lanes and alleys; for erecting poles and suspending wires thereon; for constructing and laying conduits, mains and pipes and branches and connections pertaining thereto, whether for gas, water, sewerage or wires, and for lowering, raising, changing the course of or diverting any stream of water, ditch, sewer or drain, and also for any and all other public purposes. Whenever it shall be deemed necessary to condemn private property for any of the aforesaid purposes, which necessity shall be determined by a majority vote of all the members elect of the city council, said city council shall proceed in the manner hereinafter provided; *Provided*, the city shall have no authority to widen London avenue.

SEC. 2. The city council, upon any improvement above mentioned to be made, shall appoint three (3) commissioners, and all of whom

shall be disinterested freeholders and qualified voters of said city, to view the premises and assess the damages which may be occasioned by the taking of private property for any of the purposes aforesaid. Said commissioners shall be notified as soon as practicable, by the recorder of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50), and shall be liable to be prosecuted therefor before any city justice of said city, in the same manner as for a violation of any ordinance of said city, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of an absentee or absentees aforesaid and possessing the qualifications aforesaid. In all other cases of vacancy the city council shall fill such vacancy.

SEC. 3. The commissioners shall be sworn by the city recorder to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the city council.

SEC. 4. The said commissioners shall, with all reasonable speed, with the assistance of the city engineer of said city, cause a survey and plat of the proposed improvement or purchase to be made and filed with the city recorder, exhibiting, as far as practicable, the land or parcels of property required to be taken or which may be damaged thereby, and shall thereupon give notice, by publication in the official paper of said city, for at least ten (10) days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement.

SEC. 5. At the time and place, according to said notice, the said commissioners shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by said improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and also the advantages which will accrue to such property or any part thereof in making such improvement.

SEC. 6. If there should be any building standing, in whole or in part, upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much thereof as may be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

SEC. 7. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any interest in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by

the commissioners, less the benefit resulting to them from the improvement; but in no case shall the aggregate damages assessed to the owners, lessee, mortgagee or other persons having an interest therein exceed the value of the parcel of property sought to be taken.

SEC. 8. The said commissioners, having ascertained and assessed the damages aforesaid, shall make and file with the city recorder a written report to the city council of their action in the premises, embracing a schedule or assessment of the damages in each case, with the description of the land and names of the owners, if known to them, and also a statement of the costs of the proceedings.

SEC. 9. Upon such report being filed in the office of the city recorder, said city recorder shall give at least ten (10) days' notice in official newspaper of said city to the effect that such assessment has been returned and that the same will be confirmed by the city council at a meeting thereof, to be named in said notice, unless objections are made in writing by any person interested in any land required to be taken. Any person interested in buildings standing in whole or in part upon any land required to be taken for such improvement shall, on or before the time specified in such notice, notify the city council in writing of their election to remove such buildings according to the award of the commissioners. The city council, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise or annul the assessment, giving due consideration to any objections interposed by persons interested.

SEC. 10. The damages assessed shall be paid out of the proper fund of the city, and shall be paid or tendered, or deposited and set apart, in the treasury of said city, to and for the use of the persons entitled thereto, within six (6) months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited by order of the city council in the district court of the county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claim to the same.

SEC. 11. In case any owner or owners of buildings aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case in the event of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be then taken and appropriated, sold or disposed of as the city council shall direct, and the same, or the proceeds thereof, shall belong to said city.

SEC. 12. When any known owner of lands or tenements affected by any proceeding under this act shall be an infant, or labor under legal disability, any judge of the district court of the county, or, in the absence of such judge, the judge of any court of record in said county, may, upon application of said city or of said commissioners, or such party or his next friend, appoint a suitable guardian for such person, and all notices required by this act shall be served upon such guardian.

SEC. 13. Any person feeling himself aggrieved by such assessment may by notice in writing, served upon the mayor or recorder of said city, a copy whereof, with affidavit of service, shall be filed in the office of the clerk of the district court of the county within twenty (20) days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party shall specify in the notice of appeal the grounds of objection to such assessment and shall not be entitled to have any other objections than those specified considered, and a transcript of such report, certified by the city recorder, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, and like bonds shall be given to the city of Lakeside by the person appealing as are required of appellant in such suits.

SEC. 14. Whenever any public ground, street or alley shall be laid out, altered, widened or enlarged under the provisions of this chapter, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the register of deeds of the county.

SEC. 15. It shall be the duty of the city recorder to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in section eight (8) of this chapter, said city recorder shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the city council, and the said record, or a certified transcript thereof, or the original papers, petitions, proofs of publication, orders or resolutions, on file in his office, shall be *prima facie* evidence of the facts therein contained in any court in this state.

## CHAPTER IX.

### LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The municipal corporation of the city of Lakeside is hereby authorized to levy assessments for local improvements, upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to cash valuation.

SEC. 2. Such assessments may be made by the said city of Lakeside for filling, grading, leveling, paving, curbing, railing, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening any street, avenue, lane, alley or highway, and for keeping the same in repair; also, for filling, grading, protecting, improving or ornamenting any public park, square or grounds, now or hereafter laid out; also, for planting and protecting shade and ornamental trees in its public parks and along its streets and avenues; and, also, for constructing, laying and repairing crosswalks and sidewalks, retaining walls, gutters, sewers and private drains; *Provided*, that the city council may, when any contract is let for paving, include therein the expense of laying sewer pipes to the lot line, and cause the expense of the same to be assessed against the lot to which the sewer pipes are supplied, as a part of the cost of such paving.

SEC. 3. The expense of any improvement mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, in the discretion of the city council, to be levied in the manner hereinafter provided.

No assessment, however, to defray the cost of any improvement mentioned in section two (2) of this chapter shall be levied upon the property abutting upon such improvement or upon the property to be benefited thereby, unless a petition for such improvement, in writing, shall have been presented to said city council, signed by at least one-half (½) of the owners of property that would be liable to such assessment, or by the owners of at least one-half (½) of the property which would be so liable, except by an affirmative vote of at least four-fifths (⅘) of the city council elect, by yeas and nays, to be entered on the minutes.

SEC. 4. Before ordering any improvement mentioned in section two (2) of this chapter, the city council shall cause plans and specifications and an estimate of the cost of the proposed improvement to be made and filed in the office of the city recorder, and, when the same is to be done by contract, shall give at least ten (10) days' notice, in the official newspaper of the city, that at a time stated the city council will meet, at its usual place of meeting, and receive sealed bids for the performance of such work. Such sealed bids shall be accompanied by a certified check to the amount of ten (10) per cent of the estimated cost of such improvement, or by a bond with two (2) sufficient sureties to the like amount, conditioned that he will, within ten (10) days after notice that his bid has been accepted, enter into the contract, if awarded to him, to be provided by the city council, and furnish a bond, with sufficient sureties, in a penal sum of at least thirty (30) per cent of the estimated cost of the improvement, conditioned to fulfill the terms of the said contract; and if the contract shall be awarded to him and he shall fail to enter into the said contract within the time limited, and furnish the bond aforesaid, then the said bidder shall be liable to the said city of Lakeside for all damages and costs that the said city may sustain by reason thereof, and the measure of damages shall be the difference between the bid made which was accepted and the amount the city may finally be compelled to pay for making the improvement, and the same may be retained from the amount of the certified check, if said check shall be deposited as aforesaid, or recov-

ered by action on the bond in the name of the city of Lakeside in any court having jurisdiction of the amount. Whenever the city council shall award to any person upon his bid the contract for making any of the improvements herein mentioned, he shall at the time of the execution of said contract furnish to the city of Lakeside a bond, with sufficient sureties, to be approved by said council, for an amount at least thirty (30) per cent of the estimated cost of such improvement, conditioned that he will execute the work for the price mentioned in his bid and according to the plans and specifications; and said bond shall contain a further condition that he will pay for all labor done and material furnished for or on account of said improvement; and the contract to be executed shall also contain a covenant or agreement to pay for all labor done and materials furnished for or on account of said improvement. In case of default on his part to execute and fulfill the terms of the contract and perform the work, said bond may be sued upon and judgment recovered therein by the said city for all damages sustained in the premises, in any court having jurisdiction of the amount. No extension of the time for fulfilling any contract by the city council shall have the effect to release the sureties upon said bond. Said bids shall be opened by the council at the meeting specified in the published notice calling for bids, or such other time thereafter as said council may appoint. All contracts shall be let to the lowest responsible bidders who shall have complied with the above requisitions and who shall guarantee to the satisfaction of the council the performance of said work, except in case of paving streets with patent pavement or pavements; in such case notice for bids may call for wood, stone or other kinds of pavements, and when all the proposals therefor are in, the council may select the one which is relatively the lowest or most satisfactory, all things considered. If the pavement selected is patented, the council shall require a license from the patentee to lay and relay the same for all time thereafter free from all claims of royalty. A copy of said contract shall be filed in the office of the city recorder and registered by him in a book kept for that purpose. The said council shall reserve the right in their said contract, in case of improper construction, to suspend the work at any time and relet the same, or to order the entire reconstruction of said work if improperly done. In cases where the contractor shall proceed to properly perform and complete the said contract, said council may, from time to time, in their discretion, as the work progresses, grant to said contractor an estimate of the amount already earned, reserving fifteen (15) per cent therefrom, which shall entitle said contractor to receive the amount due thereon. When the whole work has been done by said contractor to the satisfaction of the city council, the amount or balance due him shall be audited and allowed by said council and shall be payable out of the moneys applicable to the payment of such work, except upon sewer contracts, when five (5) per cent may be retained for six (6) months to provide for the expense of backfilling and repairing streets.

SEC. 5. After the work shall have been placed under contract as herein provided, the council shall assess, upon the property fronting upon such improvement or upon the property to be benefited thereby, seventy-five (75) per cent of the estimated cost of such improvement, and in addition thereto ten (10) per cent of such estimated cost, which shall be added to the assessment to defray necessary expenses of mak-

ing surveys, plans, specifications and superintendence, in proportion to the frontage on such improvement, or in proportion to the benefits to be derived therefrom, as they shall decide. If the amount so assessed shall be insufficient to complete the work, the city council shall, after the completion of the work, make a final assessment in the same manner to pay the same.

SEC. 6. When in any case any portion of the improvements mentioned in this chapter shall, by virtue of any law or ordinance, or by virtue of any valid contract, be chargeable upon any railroad company, the amount so chargeable may be assessed upon such railroad company and collected by distress and sale of personal property in the manner provided for by the general laws of the state in the cases of taxes levied upon personal property, or by suit brought for that purpose; *Provided*, that any real estate belonging to said railroad company and being benefited by said improvement shall be assessed as in other cases.

SEC. 7. Upon making any assessment, the city council shall make, or cause to be made, an assessment roll, describing each lot or parcel of land, with reasonable certainty, liable to such assessment, the amount for which each lot or parcel is liable, and the names of the supposed owners thereof. Such assessment roll, with a notice in substantially the following form, shall be published in the official paper at least three (3) times before the same is confirmed, the first (1st) of which publications shall be at least ten (10) days before such confirmation.

Such notice and assessment roll shall be substantially as follows:

**CITY OF LAKESIDE.**

*Notice is Hereby Given*, That whereas a contract has been let for (here describe the nature and locality of the improvement) and the expense of such improvement to be assessed to each lot or tract of land fronting on such improvement (or to be benefited by such improvement) having been determined by the city council of said city;

*Now, Therefore*, Said city council of Lakeside will, at their council chamber in said city, at.....M.....of .....the.....day of.....18....., meet to review and confirm such assessment, at which time and place all persons interested may appear and make objections to the same.

It is proposed to issue bonds, chargeable to the abutting real estate (or the real estate to be benefited by such improvement), to pay such assessments, and such bonds will be issued covering all such assessments, except in cases where the owners of the property shall pay to the city treasurer, within thirty (30) days after the confirmation of such assessment, the amount thereof assessed against their property.

The following is a list of the supposed owners' names, a description of the property liable to such assessment, and the amounts assessed against the same, to-wit:

NAMES OF SUPPOSED OWNERS.	DESCRIPTION OF PROPERTY.	AMOUNT ASSESSED.

Dated.....

*Mayor of City of Lakeside.*

Attest:.....

*City Recorder.*

At the time and place mentioned in such notice, or at such time and place as they may adjourn to, such city council shall meet and review and confirm such assessment, which confirmation shall be final, except as hereinafter provided.

SEC. 8. After the expiration of said thirty (30) days the council shall issue improvement bonds covering all the assessments, except such as the owners shall have already paid, as provided in the preceding section. Such bonds shall be signed by the mayor and recorder, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show for the payment of which improvement they were issued and the number and amounts of such bonds. Said bonds shall be semi-annual interest coupon bonds, divided into five (5) equal series, payable respectively in one (1), two (2), three (3), four (4) and five (5) years from date, and shall draw interest at a rate not exceeding seven (7) per cent per annum, payable semi-annually. Such bonds shall be negotiable at not less than par.

The city recorder shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office.

SEC. 9. In each year after the issuing of said bonds the city recorder shall certify to the county auditor, in the same manner and at the same time that other city taxes are certified to such auditor, one-fifth ( $\frac{1}{5}$ ) of the special assessment on each parcel of property covered by said bonds, with eight (8) per cent interest on the amount of such special assessment then unpaid, as a special tax on said property, and the said auditor, upon receipt thereof, shall enter and carry out the same upon the proper tax lists, and they shall be collected the same as other taxes are collected, and when collected paid over to the city treasurer.

SEC. 10. No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

SEC. 11. Any person paying his assessment within thirty (30) days of the date of the confirmation of the same shall be entitled to a deduction of the ten (10) per cent added for survey, plans, specifications and superintendence, and the city treasurer is hereby authorized to allow such deduction. Upon presentation to the city recorder of the treasurer's receipt, it shall be his duty to mark "canceled" the assessment on his books, opposite the description in said receipt.

SEC. 12. All deeds of conveyance of the land affected by any assessment mentioned in this chapter shall be subject to the lien of such assessment from and after the time such assessment has been confirmed by the city council; but nothing herein contained shall be so construed as to prevent the owner of any lot, piece or parcel of land affected by such assessment from, at any time after the bonds are issued as aforesaid, paying the full amount of his assessment, with interest thereon at the rate of eight (8) per cent per annum to the date of payment, and from and after that time the said lien shall cease.



SEC. 13. The city council may require the payment of all assessments within thirty (30) days after the date of the confirmation of the same, when the estimated cost of the improvement for which the assessment is levied does not exceed fifty (50) cents per front foot of the property to be assessed therefor, and may require the payment within such time of all assessments for the constructions of sidewalks. In such cases the notice published with the assessment roll shall state that payment must be made within such time.

SEC. 14. Any person feeling himself aggrieved by such assessment may, by notice in writing, served on the mayor or recorder of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of St. Louis county, within twenty (20) days of the confirmation of such assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other grounds than those specified considered, and a copy of the assessment roll in question, and of the resolution of the city council confirming the same, certified by the city recorder, or the originals thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and the judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, and like bonds shall be given to the city of Lakeside by the person appealing as are required of appellants in such suits.

## CHAPTER X.

### VACATION OF STREETS, AVENUES AND ALLEYS.

SECTION 1. The city council of the city of Lakeside shall have the sole and exclusive power to vacate or discontinue streets, avenues, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council, except upon the petition of a majority of the owners of the property on the line of such street, avenue, alley or highway or portion thereof proposed to be vacated resident within said city; such petition shall set forth the facts and reasons for such application, accompanied by a plat of such street, avenue, alley or highway or portion thereof proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners.

The city council shall thereupon order the petition to be filed of record with the city recorder, who shall thereupon give notice, by publication in the official paper of the city for four (4) successive weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, at a certain time and place therein specified, not less than ten (10) days from the expiration of such publication. The city council, or such committee as may be appointed by them for the

purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested.

SEC. 2. The city council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by resolution by a three-fourths ( $\frac{3}{4}$ ) vote of all the members elect, declare such street, avenue, alley or highway or portion thereof vacated, which said resolution, before the same shall go into effect, shall be published as in the case of ordinances; and thereupon a transcript of such resolution, duly certified by the city recorder, shall be filed for record and duly recorded in the office of the register of deeds of the county of St. Louis.

SEC. 3. Any person feeling himself aggrieved by any such vacation or discontinuance, or refusal so to do, may, within twenty (20) days after the publication of such resolution, or after such refusal, by notice in writing, served upon the mayor or recorder of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county of St. Louis, appeal to said court from such vacation or discontinuance or such refusal, when such appeal shall be tried by the court and jury as in ordinary cases, and the judgment of such court shall be final. It shall be the duty of said city recorder, as soon as such appeal is taken, to transmit to the proper court a certified copy of the records and files of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required; *Provided*, that proceedings for a vacation already instituted in the district court shall not be affected by this chapter.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The city of Lakeside is hereby declared to be the legal successor of the village of Lakeside, a municipal corporation heretofore existing under the general laws of this state. All the property of the said village of Lakeside shall hereafter belong to and be the property of the said city of Lakeside, and the rights of the creditors of such village of Lakeside shall not be prejudiced by anything contained herein, but the same are preserved to them and they shall have the same rights and remedies against said city as they would have had against said village of Lakeside if this act had not been passed.

SEC. 2. All recognizances, obligations and all other instruments entered into or executed to the village of Lakeside before this act goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the said village of Lakeside, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this act going into operation.

SEC. 3. All ordinances in force in the village of Lakeside at the time this act goes into effect, and not inconsistent herewith, shall remain in full force and effect, until altered or repealed by the city

council of the city of Lakeside, and all rights and contracts of the village of Lakeside shall continue the same as if this act had never been passed.

SEC. 4. This act is hereby declared to be a public act, and may be read in evidence in all the courts within this state without proof.

SEC. 5. All papers, files, plats and other public records to be kept, preserved or filed, unless otherwise provided for in this act, shall be placed on file and preserved in the office of the city recorder.

SEC. 6. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be clearly set forth in such law.

SEC. 7. When any suit or action shall be commenced against said city, service of process therein shall be made by leaving a copy thereof by the proper officer with the mayor or recorder, and it shall be the duty of the mayor or recorder forthwith to inform the city council thereof and to take such other proceedings as by the ordinances or resolutions of the city council may have been in such case provided.

SEC. 8. The city of Lakeside shall not be liable in any case for the jail fees of any person committed to the common jail of St. Louis county by any officer of said city, or any magistrate of said city, for offenses punishable under the general laws of this state.

SEC. 9. The public property of said city shall be exempt from seizure or sale on execution and from taxation.

SEC. 10. No person shall be an incompetent judge, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 11. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there are present as large a number of aldermen as were present when the vote was taken.

SEC. 12. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of two-thirds ( $\frac{2}{3}$ ) of the city council elect.

SEC. 13. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the city by the mayor or acting mayor and the city recorder, sealed with the corporate seal, and in pursuance only of authority therefor from the city council.

SEC. 14. No license shall be granted for the sale of any spirituous, vinous, fermented or malt liquors, and it shall be unlawful for any person to sell, barter or otherwise dispose of any such spirituous, vinous, fermented or malt liquors within the limits of said city. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than fifty (50) dollars, nor more than one hundred dollars (\$100), together with costs of suit, or by imprisonment for not less than thirty (30) days nor more than ninety (90) days; *Provided*, that the provisions of this section shall not be so construed as to prohibit any regularly licensed druggist from dispensing liquors in filling prescriptions made by any regular, reputable and duly licensed physician in the practice of his profession.

SEC. 15. Work done, or constructions made of any kind, by the said city of Lakeside, may be done by contract, awarded as hereinbefore provided, or the city council may, in its discretion, direct any such work or construction, or any part thereof, to be done by day's

work, under the direction of said council, or any officer of said city whom the city council may designate; *Provided*, that when any work or construction shall involve an expenditure of more than two hundred dollars (\$200), such work or construction shall be done by contract, let to the lowest responsible bidder, after due public notice shall have been given and proposals invited for the same, as hereinbefore provided.

## CHAPTER XII.

SECTION 1. That on the thirty-first (31st) day of December of the year eighteen hundred and ninety-two (1892), the corporate and territorial limits of the city of Duluth shall be and are hereby extended to include all of the territory which is by this act constituted a part of the city of Lakeside. And the said territory shall then and thereafter become a part of the city of Duluth and subject to all the several laws of the state of Minnesota in reference to the said city of Duluth, excepting as herein provided.

SEC. 2. On or after the said thirty-first (31st) day of December, eighteen hundred and ninety-two (1892), when the territory hereinbefore described shall become a part of the city of Duluth as aforesaid, the common council of the said city of Duluth may constitute the said territory into one (1) or more wards of the said city of Duluth; and there shall be the same number of aldermen from each of said wards as in the other wards of the city of Duluth, who shall be appointed by the common council of the city of Duluth until the following general city election.

SEC. 3. Should the city of Duluth by its common council, at any time before the date herein fixed for the expiration of this charter, desire to extend a water pipe or main across the corporate limits of said city of Lakeside, to any point on the easterly side thereof, it shall have the right to lay and operate such water pipe or main in the usual manner of laying and operating such water pipes or mains, along any street to be designated by the city council of said city of Lakeside, such street to be suitable and convenient for such purpose.

SEC. 4. Any school district or part of the same included within the limits of the said city of Lakeside shall, upon its annexation as herein provided to the city of Duluth, become a part of the independent school district of the city of Duluth, and be and remain subject to the authority of the board of education of said city.

All school property, real and personal, situated within the limits of said city of Lakeside shall, upon such annexation, become the property of said independent school district of Duluth; and said independent school district of Duluth shall assume and pay such proportion of the indebtedness of the school district in which said city of Lakeside shall, previous to such annexation, be included, as the assessed valuation of the taxable property in said city of Lakeside shall bear to the assessed valuation of taxable property in the school district in which said city of Lakeside shall, previous to such annexation, be included.

SEC. 5. The common council of the city of Duluth is hereby prohibited from ever granting any license to sell or dispose of any wines, spirituous or malt liquors within the limits of the territory hereby constituted as the city of Lakeside, after the same shall have been an-

nexed to the said city of Duluth in accordance with the provisions of this act.

SEC. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

## CHAPTER 58.

[S. F. No. 609.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE CITY OF SOUTH ST. PAUL" AS AMENDED BY THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AUTHORIZE SAID CITY TO ISSUE BONDS FOR VARIOUS PURPOSES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of chapter two (2) of said act, as amended by section five (5) of an act amendatory thereof, approved February eighth (8th) one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 1. An election for the elective offices and aldermen herein provided for shall be held in said city on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), and on the first (1st) Tuesday in June every two (2) years thereafter. Notice of the time and place of holding such election and of the officers to be elected shall be given in the manner and at the time prescribed by the general election law of the state; *Provided*, that for the election to be held on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), the mayor of said city shall, at least twenty (20) days before the day of said election, designate the place in each election precinct of said city for holding said election, and shall give at least twenty (20) days previous notice of the time and place of holding such election and of the officers to be elected; said notice to be in the form and to be posted as provided in the general election law of the state; *And provided further*, that the judges of said election to be held on the first (1st) Tuesday of June, A. D. one thousand eight hundred and ninety-one (1891), shall be appointed by the mayor of said city.

SEC. 2. That section two (2) of chapter two (2) of said act as amended by section six (6) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), which amendatory act was amended by section one (1) of an act amendatory thereof, approved April twenty-fourth (24th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 2. The elective officers of said city shall be a mayor, a city treasurer, a city recorder, a city justice and one (1) constable, all of which officers shall be residents within and qualified electors of said city.

A city attorney shall be elected for a term of two (2) years by the common council of said city, on the first (1st) Tuesday of July, A. D. one thousand eight hundred and ninety-one (1891), and every two (2) years thereafter, at a compensation to be fixed by said common council at the time of his election, and which shall not be increased or diminished during his term of office. It shall not be necessary for said city attorney to be a resident or qualified elector of said city, and he shall not be removed except for cause and after an impartial hearing, as provided for in section three (3) of chapter two (2) of said act, in the case of an officer elected by the people.

At the election to be held on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), and every two (2) years thereafter, there shall be elected two (2) aldermen in each aldermanic district of said city, who shall serve for the period of two (2) years, commencing on the first (1st) Tuesday of July next succeeding the day of their election and until their successors are elected and qualified.

Each of said aldermen to be hereafter elected shall be a qualified elector and actual resident of the ward and district for which he may be elected, and shall continue to reside in such ward and district during the time he shall serve as such alderman.

The term of office of all officers and all aldermen heretofore elected or appointed and now holding office in said city shall expire on the first (1st) Tuesday in July, A. D. one thousand eight hundred and ninety-one (1891), or as soon thereafter as their successor shall qualify, and all provisions contrary thereto and in conflict therewith contained in the act incorporating said city or in the amendments thereto are hereby repealed.

All other officers necessary for the proper management of the affairs of said city and not otherwise provided for shall be appointed by the common council.

SEC. 3. That section six (6) of chapter two (2) of said act, as amended by section seven (7) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 6. All persons entitled to vote for state and county officers shall be entitled to vote at any election in said city in the election district of which they shall at the time have been residents for ten (10) days immediately preceding the election, and any person entitled to vote at such election shall be eligible to any office in said city elective by the people in the election district wherein he shall have resided thirty (30) days previous to his election.

The returns of all city elections shall be made to the city recorder, and the common council shall canvass said returns and declare the result thereof; *Provided*, that the returns for the election to be held on the first (1st) Tuesday of June, A. D. one thousand eight hundred and ninety-one (1891), shall be made to the county auditor of Dakota county, who, on or before the tenth (10th) day after said election, shall canvass the same and declare the results thereof.

SEC. 4. That section two (2) of chapter three (3) of said act be amended by adding thereto the following:

"The mayor shall be *ex-officio* member of the common council and president of the same, but shall have no vote except in case of a tie.

The mayor shall be the chief executive officer and head of the police department, and shall have power to appoint all of the police officers and to remove the same for cause, the number of police officers to be determined by the common council."

SEC. 5. That section eighteen (18) of chapter three (3) of said act be amended by adding thereto the following:

"The mayor of said city shall receive a salary at the rate of..... ( ) dollars per annum; the city recorder shall receive a salary at the rate of one thousand (\$1,000) dollars per annum, and the city treasurer shall receive a salary at the rate of six hundred (600) dollars per annum, said salaries being payable monthly on the last day of each month.

*Provided*, that the city justice shall receive from and after the passage of this act, in lieu of all fees in criminal cases, the sum of five hundred dollars (\$500) per annum, payable monthly."

SEC. 6. That chapter three (3) of said act be amended by adding thereto the following section:

SEC. 20. The office of city clerk and the office of city comptroller, from and after the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), or as soon thereafter as the city recorder shall qualify, are hereby declared abolished and the office of city recorder created and substituted in lieu thereof. All the duties imposed upon and all the powers given to the city clerk and the city comptroller by the act incorporating said city, and the several acts amendatory thereof, shall be performed by and are conferred upon the city recorder; and whenever in said acts and the amendments thereto, the city clerk or the city comptroller shall be mentioned or referred to, the city recorder shall be substituted in place thereof; *Provided*, that, when by any provision or provisions of said act and said amendments, the city clerk and the city comptroller are each required to do and perform certain acts in reference to the same matter, in every such case, the city recorder, when doing the acts required of the city clerk, shall sign himself and be styled, "City Recorder, Acting as City Clerk," and when doing the acts required of the city comptroller, shall sign himself and be styled, "City Recorder, Acting as City Comptroller."

SEC. 7. That section one (1) of chapter five (5) of said act be amended by striking out the following portion thereof:

"The said common council shall have full power and authority to issue bonds to fund the floating or funded indebtedness of the city, such bonds to be payable in not less than ten (10) years after date, with interest payable semi-annually in the city of New York or in the city of South St. Paul," and by adding to said section the following:

"No bonds shall hereafter be issued by said city unless expressly authorized by the legislature of the state, and certificates of indebtedness issued by said city, outstanding and unpaid, shall at no time exceed in the aggregate the sum of one thousand (1,000) dollars."

SEC. 8. Authority is hereby granted to the city of South St. Paul to issue bonds, not to exceed the sum of fifteen thousand (15,000) dollars, drawing such rate of interest, not to exceed six (6) per cent per annum, to fund the existing floating indebtedness of such city.

SEC. 9. That section twenty-five (25) of chapter six (6) of said act, as amended by section twenty-four (24) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and

eighty-nine (1889), be amended by striking out in the eighth (8th) line thereof the words "for at least ten (10) times," and substituting in lieu of the same the words "two (2) times."

SEC. 10. That section thirty one (31) of chapter six (6) of said act be amended by striking out in the third (3d) line thereof the word "ten (10)" and inserting in lieu thereof the word "two (2)."

SEC. 11. That section thirty-four (34) of chapter six (6) of said act, as amended by section twenty-seven (27) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended by striking out in the eleventh (11th) line thereof the word "three (3)" and inserting in lieu thereof the word "two (2)."

SEC. 12. That section thirty-nine (39) of chapter six (6) of said act be amended by striking out in the twelfth (12th) line thereof the words "at least three (3) times" and inserting in lieu thereof the words "two (2) times."

SEC. 13. That section forty-five (45) of chapter six (6) of said act be amended by striking out in lines twenty-three (23) and twenty-four (24) thereof the words "by at least five (5) publications" and inserting in lieu thereof the words "three (3) publications."

SEC. 14. That section two (2) of chapter eight (8) of said act, as amended by section thirty three (33) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended by striking out said section thirty-three (33) of said amendatory act, so that the same shall read as provided in section two (2) of chapter eight (8) of said act incorporating the city.

SEC. 15. That section three (3) of chapter eight (8) of said act, as amended by section thirty-four (34) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended by striking out said section thirty-four (34) of said amendatory act, so that the same shall read as provided in section (3) of chapter eighth (8th) of said act incorporating the city.

SEC. 16. That section twenty-one (21) of chapter nine (9) of said act, as amended by section thirty-eight (38) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 21. The common council shall, at its first (1st) meeting in July of each year, or as soon thereafter as may be, cause the city recorder to advertise in the official paper of the city for sealed proposals for publishing in some public newspaper, which shall have been printed, published and of general circulation in said city, at least three months prior to the making of such proposals, the ordinances, official proceedings of the council and other matters required in the charter or the ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the kind of type proposed to be used, the width of the columns of such newspaper named in such proposal, and the price for the first (1st) insertion and for each additional insertion of all matter so to be published; said proposals to be marked "Proposals for Advertising," and addressed to the common council, which proposals shall be opened at the next meeting of the council, and the contract for such publishing awarded to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city.



In case any two (2) bids are the same, the common council may select one of such papers. The proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such paper, and give bonds in the sum of five hundred (500) dollars, with two satisfactory sureties, to be approved by the council, conditioned for the faithful performance of such contract.

*Provided*, that the price paid to any paper for publishing as aforesaid shall be at a rate not to exceed forty (40) cents per square for the first (1st) or any subsequent insertion, and if no newspaper published in said city will do said publishing at said price, then the common council may designate some newspaper published in the city of St. Paul, Minnesota.

Every ordinance of said city shall, after its passage, be published in the official newspaper of the city, and shall not be enforced until after such publication. The proof of such publication, by the affidavit of the foreman, or one of the publishers of such newspaper, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment, publication and promulgation of such ordinance, in any court in the state.

SEC. 17. That section eleven (11) of chapter four (4) of said act be amended so as to read as follows:

Sec. 11. The common council is hereby authorized to issue the bonds of said city for the purpose of defraying the cost and expense of constructing such water works for said city as may hereafter be determined upon, to an amount not exceeding the sum of one hundred thousand (100,000) dollars, to be issued in such denominations and payable at such times, not to exceed thirty (30) years, drawing such rate of interest, not to exceed six (6) per cent per annum, and at such place as the common council shall determine.

*Provided, however*, that before said bonds shall be issued, the common council shall agree upon and adopt, by a three-fourths ( $\frac{3}{4}$ ) vote of all its members, a proposal or plan for supplying the people of said city with water, which proposal or plan shall state the plans and specifications for constructing said water works, together with an estimate of the total cost thereof, and shall specify the method by which the people of said city are to pay therefor, but no proposal or plan shall be adopted which provides for a frontage tax greater than at the rate of ten (10) cents per foot or less than at the rate of five (5) cents per foot per annum.

*And provided further*, that before the common council shall have power to issue said bonds the proposition of issuing the same shall be submitted to the qualified electors of said city, at a special election to be called for that purpose, and must receive in favor thereof the votes of at least a majority of the qualified electors voting at such election.

It shall be the duty of the common council to order a special election to vote upon said proposition within sixty (60) days after the adoption by said common council of the proposal or plan of supplying the people of said city with water. Said election shall be held in the same manner as elections for city officers. Those voting at such election in favor of issuing said bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Water Bonds—Yes," and those voting against the issuing of said bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Water Bonds—No."

The proposal or plan adopted by the common council shall be kept by the city recorder where access can be had to the same by any person who is a qualified voter, at any reasonable hour of the day, and for at least fifteen (15) days prior to the time of holding the election.

The common council shall have power to enter into contract for the city with any individual, company or corporation, for the purpose of supplying water to the people of said city; *Provided, however,* that the terms of any such contract shall first be approved by the common council, by a majority vote of all its members; *And provided further,* that the same shall be submitted to the qualified electors of said city at a special election, and receive in favor thereof the votes of at least a majority of the qualified electors voting at said election. It shall be the duty of the common council to order a special election to vote upon such proposed contract within sixty (60) days after the approval thereof by the common council. Said election shall be held in the same manner as elections for city officers. Those voting at such election in favor of such proposed contract shall have written or printed, or partly written and partly printed, on their ballots, "Contract for Water Works—Yes," and those voting against such proposed contract shall have written or printed, or partly written and partly printed, on their ballots, "Contract for Water Works—No."

The common council shall have power to construct, operate and maintain water mains, cisterns, hydrants and all appurtenances belonging thereto, on any of the public streets, alleys, parks and squares of said city, and, upon consent of the owners thereof, through any private grounds in said city; and in case permission is not granted to enter upon private property for the purpose herein mentioned, when necessary for public purposes, any such property may be valued and condemned as provided by law.

The common council shall have authority to levy a water tax upon all persons using the water furnished by the city and to levy a frontage tax upon all property fronting on the water mains of the city and to enforce the collection of said taxes, which shall be levied and collected in the same manner city taxes are now levied and collected; *Provided,* that said frontage tax shall not be at a rate greater than ten (10) cents per foot per annum nor at a rate less than five (5) cents per foot per annum.

The mayor and the city treasurer are hereby authorized and empowered to issue an evidence of indebtedness in the sum of nine hundred and eighty-three (983) dollars, or so much thereof as will be necessary to liquidate the claim of Charles H. Chaffee for building sidewalks in said city. That said evidence of indebtedness so issued shall be signed by the mayor and city treasurer aforesaid and countersigned by the city clerk, and when so issued shall have the effect and force of any certificate of indebtedness issued by said city, under the charter thereof and the amendments thereto.

SEC. 18. The common council is hereby authorized to issue the bonds of said city for the purpose of aiding in defraying the cost and expense of constructing a combination railroad and wagon bridge, or both, as may be determined hereafter, to an amount not to exceed seventy-five thousand (75,000) dollars, to be issued in such denominations, and payable at such times, not to exceed thirty (30) years, and at such rate of interest, not to exceed six (6) per cent per annum, and at such place as may be determined.

*Provided, however,* that before said bonds shall be issued the common council shall agree to adopt, by a three-fourths ( $\frac{3}{4}$ ) vote of all its members, a proposal or plan for building such bridge, which proposal or plan shall state the plan and specifications for constructing said bridge, together with an estimate of the total cost thereof; *Provided further,* that before the common council shall have power to issue said bonds, the proposition of issuing the same shall be submitted to the qualified electors of said city at a special election, and must receive in favor thereof the votes of at least a majority of the qualified electors voting at said election. It shall be the duty of the common council to order a special election to vote upon said proposition within sixty (60) days after the adoption by said common council of the proposal or plan for building said bridge. Said election shall be held in the same manner as elections for city officers. Those voting at such election in favor of issuing such bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Bridge Bonds—Yes," and those voting against the issuing of such bonds shall have written or printed, or partly written and partly printed, on their ballots, "For Issuing Bridge Bonds—No."

SEC. 19. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved April 23, 1891.

## CHAPTER 59.

[H. F. No. 252.]

### AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF ELY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. There is hereby established in the city of Ely, in the county of St. Louis, a municipal court for the transaction of all business that may lawfully come before it. Said court shall be a court of record and shall have a clerk and a seal and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed five hundred (500) dollars, excepting causes involving title to real estate. It shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising under the ordinances, rules and by-laws of said city.

It shall have jurisdiction of all actions cognizable before justices of the peace under the general laws of the state of Minnesota. It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the pleadings is purely equitable in its nature. The territorial jurisdiction of said court shall be co-extensive with the present limits of St. Louis, Lake and Cook counties.

SEC. 2. The qualified electors of the city of Ely shall, at the first general city election to be held in and for the city of Ely, and at the general city election every year thereafter, elect a suitable person,

with the qualifications hereinafter mentioned, to the office of judge of said municipal court, to be called "Municipal Judge," who shall hold his office for the term of one (1) year and until his successor shall be elected and qualified. The judge of said court shall be a resident and qualified elector of the city of Ely, a person learned in the law and duly admitted to practice as an attorney in the courts of this state.

Before entering upon the duties of his office he shall subscribe an oath, as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the city recorder. He shall have the general powers of judges of courts of record, and may administer oaths, take acknowledgments in all cases, and, as conservator of the peace, shall have the powers and authority, where no provision is otherwise made in this act, which is by law vested in district courts of this state, or other judicial officers. In case of a vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the next annual election, when a judge shall be elected for the full term of one (1) year.

SEC. 3. There shall be one special judge of said municipal court, whose manner of election, term of office, powers, duties and qualifications shall be the same as those of the municipal judge, except as otherwise provided in this act, and his successor shall be elected and vacancies in his office filled in like manner. In case the municipal judge is a party in interest in any action or proceeding, or in case of his absence or sickness, the said special judge shall act as judge of said court. This section shall not incapacitate such special judge from acting as attorney in any case in said court, but when so acting as attorney he shall take no action as judge in such case, save to adjourn the same.

SEC. 4. If at any time before the trial of any action or hearing or proceeding in said court, the party to the proceedings, or his agent or attorney, shall make affidavit to the effect that he believes that the municipal judge before whom the action is pending is a material witness or near of kin to either party to the action or proceeding, or that from prejudice, bias or other cause he will not be impartial in the trial or hearing of such action or proceeding, thereupon such judge shall take no further action in such case or action or proceeding, except to continue the same, and shall forthwith notify the other judge of the action taken. Such special judge, or municipal judge, as the case may be, shall thereupon proceed with the trial or hearing of such action or proceeding as in other cases. The special judge of said court shall receive compensation from the city at the rate of four (4) dollars per day when so acting.

*Provided*, the special judge shall not in any one (1) month receive for his services as judge a greater sum than the municipal judge would receive if said municipal judge had acted in all cases.

SEC. 5. Said municipal court may have a clerk, who may be appointed or removed at the pleasure of the municipal judge, and by an order entered in the minutes of the court. Before entering upon the duties of his office, such clerk shall take and subscribe an oath to support the constitution of the United States and the state of Minnesota, and to faithfully discharge and perform the duties of his office, and shall execute to the city of Ely a bond in a penal sum and with such sureties as the city council thereof shall direct and approve, conditioned that he will at all times pay over to all persons, on demand,

all moneys to which they may be entitled, which may come to his hands by virtue of his office; and will, also, on the first (1st) day of each secular month, pay over to the treasurer of the city of Ely all fines, penalties, fees and other moneys belonging to or to go to the city which may come to his hands by virtue of his office.

Such oath and bond shall be filed and kept in the office of the treasurer of the said city. The salary of the clerk shall be paid out of the funds of the city of Ely; *Provided*, that the judge, at his own expense, may employ a clerk of court, or his salary may be borne in part by the judge and partly by the city, as the city council may agree. Such clerk shall have power to appoint a deputy clerk, subject to the approval of the judge, such deputy to have like powers as the clerk, and for whose acts the clerk shall be responsible for, as well as his compensation. In case of the non-appointment of a clerk by the judge or city council, said municipal judge shall be the *ex-officio* clerk of said court, and the special judge while acting as judge of said court, as provided in this act, shall be *ex-officio* clerk of said municipal court.

SEC. 6. The municipal court shall have full power and authority to issue all processes, civil and criminal, necessary or proper to carry into effect the jurisdiction given it by law, and its judgments and other determinations; and it shall have and possess all powers usually possessed by courts of record or at common law, subject to the modifications by statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of *habeas corpus*, *quo warranto*, *ne exeat*, *mandamus*, prohibition or injunction. All processes shall be tested in the name of the judge or clerk, except only as otherwise provided in this act, and all forms of process may be described by the court by rule, and such forms may be changed by the court from time to time. In the absence of the prescribed forms, the forms in use either in the courts of record of this state or justices' court, may be used, after being changed or adapted to the style of this court, and used in the discretion of the court; *Provided*, that every summons shall state the amount claimed by the plaintiff in his complaint. Process may be directed for service to any police officer of the city of Ely, or to the sheriff or any constable of the said county or city, and may be served the same as in district court, and service may be made by publication by order of the court as in district courts and in the same cases; *Provided*, that the period of publication shall be only four (4) weeks.

SEC. 7. The said municipal court shall be held in the city of Ely, at some suitable place to be provided therefor by the municipal judge, and at the expense of the city. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of this state and the ordinances, laws, regulations and by-laws of the city are observed and executed, and for that purpose shall open his court every morning (Sundays and legal holidays excepted) at nine (9) o'clock, and proceed to hear and dispose of all actions and proceedings arising under the penal laws of the state of Minnesota, and hear and dispose, in a summary manner, all cases that shall be brought to him by the police officers of the city, either with or without process, for violation of the ordinances, laws, regulations or by-laws of said city. If no clerk be appointed, said judge shall perform all the duties otherwise imposed upon or to be done by said clerk, and in such case shall execute and file the bond provided for by sec-

tion five (5) herein. The clerk, or if no clerk be appointed, then the judge acting as such clerk, shall have the care and custody of all the books and files, records and papers of said court; he shall be present at all the trials and proceedings in court; he may swear witnesses and jurors and administer oaths, and shall keep the record of the court, all of which when done by the clerk shall be done under the supervision of the judge. In the absence of the judge adjournments may be made by the clerk.

He shall tax all costs and disbursements allowed in any action, and do all things and other acts necessary and proper to the enforcing and carrying out of the jurisdiction of the municipal court. He shall receive and collect all fines, penalties and fees of every kind accruing to the court or any officer thereof, including police officers, and keep full, accurate and detailed account of the same, and on the first secular day of each month pay over to the city treasurer of the city of Ely all the moneys received, with detailed statements of the same, and take the receipt of the treasurer of said village therefor.

SEC. 9. The municipal court shall hold regular terms for the trial of all civil actions on Tuesday of each week, at ten (10) o'clock A. M., which term shall continue from day to day, with such adjournments as the judge may deem proper, until the business of each term shall be finished, and the court may by rule or order appoint such terms to be held oftener or upon other days than the days mentioned above.

All civil actions in this court shall be commenced by service of summons, and shall run in the name of the state of Minnesota. The summons, except when not otherwise provided in this act, must be subscribed by the plaintiff or his attorney, and directed to the defendant, requiring him to answer the complaint and to serve a copy of his answer on the person whose name is subscribed to the summons, and at a place within the state therein specified in which there is a post office, within ten (10) days after the service of such summons, exclusive of the day of service. It shall not be necessary for a party to set forth in a pleading in a civil action in said court the items of an account therein alleged, but he shall deliver to the adverse party, within five (5) days after a demand therefor, in writing, a copy of the account, verified by his own oath or that of his agent or attorney, if within the personal knowledge of such agent or attorney, to the effect that he believes it to be true, or be precluded from giving evidence thereof, and the court or judge may order a further and more particular bill.

The notice to be contained in the summons, the manner of service of summons, pleadings, notices and appurtenances, shall be the same as that required by law in district courts of this state (except as otherwise in this act provided) and the provisions of title one (1), two (2), three (3), five (5), six (6), seven (7), ten (10), thirteen (13), fourteen (14), fifteen (15), sixteen (16), eighteen (18), nineteen (19), twenty (20) and twenty-one (21), of Chapter sixty-six (66), General Statutes of eighteen hundred and seventy-eight (1878), and acts amendatory thereto, so far as the same may be practicable. No officer or other person shall serve or attempt to serve any summons, process or other paper in any civil action in said court, unless the complaint in such action shall have been previously filed with the court or clerk of said court, and in any case wherein such complaint is so filed, the said court or clerk shall, when requested so to do, note or indorse the fact

of such filing upon the back of said summons or process. If the defendant appear within four (4) days after service of summons, the plaintiff or his agent or attorney must serve a copy of the complaint on the defendant or his attorney within four (4) days after notice of such appearance, and the defendant shall have at least five (5) days thereafter to answer the same. All pleadings shall be verified by the party or his agent or attorney, as in courts of justices of the peace. When the answer contains new matter constituting a counterclaim, the plaintiff may, within five (5) days, reply thereto, and such counterclaim may be such as could be interposed in the district or justice courts of this state. Either party may demur to the pleadings of his adversary as in district courts. After the decision of the demurrer the court may, in its discretion, if it appears that the demurrer was interposed in good faith, allow the party demurring to withdraw the same and plead over again at any time within five (5) days from the date of the decision of the demurrer; or, if the demurrer is sustained, may allow the pleading demurred to to be amended on such terms as may be just. When a notice is necessary to be given of a motion to be heard by the court, it must be served five (5) days before the hearing or time appointed; but the judge may, by order to show cause, prescribe a shorter time. All attempts to commence an action in this court shall be followed by the first (1st) publication of summons or service thereof within thirty (30) days. Each party shall, on or before the day of the trial of any issue and for which any cause is noticed, file his pleadings with the court or clerk. Notice of any trial may be given by either party at any time after issue, and at least three (3) days before the term; and the party giving the notice shall furnish the clerk, at least one (1) day before the term, with a note of issue containing the title of the action and the names of the attorneys, if any, and the time when the last pleading was served.

Whenever any such summons or other process or paper in any civil action shall have been delivered to any person for service, he shall, as soon as practicable thereafter, make return to said court or clerk, whether said summons, process or paper shall have been served or not, and, if not served, the reason therefor.

The pleadings in said court shall be the same as in the district courts of this state, subject to such modifications as the court by rule may prescribe.

The court may, for good cause shown, in its discretion and on such terms as may be just and equitable, open any default at the term at which it occurred, or at any time within three (3) months thereafter, or allow any amendment to any pleading at any time during trial of an action, and shall disregard variances between the allegations of the pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby.

Continuances shall be on such terms and subject to the same rules as obtain in the district courts of this state. Said court shall have authority to provide by rule that the plaintiff in any civil action shall by bond, recognizance or deposit of money with the clerk, give security for costs, in such sum as the court may designate, before any summons or process shall issue in the action.

In civil actions the following costs shall be taxed when the party entitled to recover costs appears and prosecutes by an attorney at law duly admitted to practice in the district courts of this state: In

favor of the plaintiff, upon default by defendant, when the amount of judgment is less than fifty (50) dollars, three (3) dollars. To defendant, upon dismissal when the amount claimed in the complaint is less than fifty (50) dollars, three (3) dollars. In actions of replevin upon default by the defendant, when the value of the property is fifty (50) dollars, five (5) dollars. Upon determinations of demurrer, on motion, to prevailing party, such sums as the court may order, not exceeding ten (10) dollars. Upon a trial on the merits costs shall be taxed to the prevailing party in the sum of ten (10) dollars in all cases where the amount in controversy is fifty (50) dollars or exceeds fifty (50) dollars. When the amount in controversy is less than fifty (50) dollars, the prevailing party shall have taxed in his favor, as costs, five (5) dollars.

Costs and disbursements shall be taxed and allowed in the first instance by the clerk or court, upon two (2) days' notice by either party, and inserted in the entry of judgment. The disbursements shall be in detail and verified by the affidavit, which shall be filed. The party objecting to any item of costs shall specify in writing the ground of objection and the same shall be heard and determined upon the objection so made and none other.

SEC. 10. Any creditor desiring to proceed by attachment in said court may, at the time of commencing the action, or thereafter at any time while the action is pending, by himself, his agent or attorney, make and file an affidavit required by law in an application for writ of attachment in justices' court, and cause a bond to be filed, with one or more sureties, to be approved by the judge or clerk, and similar to the bond required in like applications in a justice court, except the limit of the liability therein shall not exceed two hundred and fifty (250) dollars; Upon the filing of the bond and the approval of the same (which the judge or clerk shall endorse thereon), the said clerk or judge shall issue the writ.

The service of the writ and the subsequent proceedings shall, as near as may be, be similar to the service of such writs and proceedings in justice courts; *Provided, however*, that in all cases where such writs contain the substance of a summons and has been served on the defendant, personal judgment may be entered in said action whether property has been actually attached by virtue of such process or not. Writs of attachment may be vacated by the judge upon proper showing, the same as in the district courts of this state.

Whenever, on the return of the writ of attachment, the return of the officer shall show that personal property of the defendant has been attached by virtue thereof and that the defendant cannot be found within the territorial jurisdiction of said court, and the plaintiff, his agent or attorney, shall make and file an affidavit to the effect that the defendant is a resident of this state, but that he resides outside of the territorial jurisdiction of the court (naming the place), thereupon the judge of said court, upon motion of the plaintiff, his agent or attorney, shall make an order reciting the alleged facts and directing that a summons and a copy of such order shall be served on the defendant anywhere within this state; the judge shall then continue such action till the day named in such summons. The summons and copy of the order shall be served on the defendant at least eight (8) days before the return day named in such summons, at any place within the state of Minnesota, by any proper officer or indifferent person.



SEC. 11. When the object of the action is to recover the possession of personal property, the plaintiff, his agent or attorney, shall make and file his complaint in writing, together with an affidavit similar to the affidavit required in justices' courts in like actions, the plaintiff, or some one in his behalf, shall execute a bond, with sureties, to be approved by the judge or clerk, conditioned similar to bonds in justices' courts, and file such bond; and an action may be maintained on such bond as on similar bonds filed in like actions in justices' courts, not exceeding in amount the sum of six hundred (600) dollars. The writ shall be issued by the judge or clerk, and the proceedings thereunder shall be executed (except as to time and forms of trials) in the same manner as in justice courts; but the officer executing the writ shall retain the property taken in custody in his possession for three (3) days before delivery of the same to the plaintiff; and if within that time the defendant, or some one in his behalf, shall execute a bond, with one (1) or more sureties, to be approved by the judge or clerk, conditioned as in like cases in the district court, and shall file such bond, the court shall thereupon issue an order to the officer to deliver such property to the defendant.

SEC. 12. Proceedings against garnishees may be instituted in the same manner as in justices' courts, upon filing with the clerk or judge an affidavit similar in like cases or actions in justice courts, and the summons may be signed by the clerk or judge of said court, or by the plaintiff or his attorney, and may be served by any officer or indifferent person, at any place within the state of Minnesota. It shall require the garnishee to appear before the judge or the clerk of said court in which the action is pending, at a time and place mentioned therein, not less than six (6) days from service thereof, and on one (1) of the days (or Tuesday) that shall be the beginning of a regular term for the trial of civil actions; the notice required to be served upon the defendant in the action shall be signed either by the judge or clerk of the court or by the plaintiff or his attorney in the action, or by the person who served the garnishee, and it shall be served on the defendant at least three (3) days before the time specified in the same for the appearance of the garnishee. The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court. Whenever on the return day of the summons, in the action in which the garnishee summons has been issued and served and the property of the defendant has thereby been attached in the hands of the garnishee, it shall appear from the return thereon that the defendant cannot be found within the territorial jurisdiction of the court, and the plaintiff, his agent or attorney, shall make and file an affidavit that such defendant is a resident of the state of Minnesota, but resides outside of the territorial jurisdiction of this court, then the judge, upon motion of the plaintiff or his attorney, shall make an order reciting the alleged facts and directing that the summons in said action, together with the notice to the defendant (stating the time and place at which the garnishee disclosure will be made), and a copy of such order shall be served on the defendant anywhere within the state. The judge shall then continue such action and all proceedings therein (including the disclosure of the garnishee) till the return day named in the summons.

**SEC. 13.** The judge, or the clerk under the direction of the judge, prior to the convening of each term of court, shall make up a calendar of the causes which shall come up for trial, or for any disposition before the court at such term, adopting such arrangement as he may think best; and the court shall direct the order of the trial and other disposition of the causes.

**SEC. 14.** Jurors for said municipal court shall be provided and drawn in the following manner, to-wit: The city council shall, at its first meetings in the months of April, August and December of each year, select and designate fifty (50) legal voters of said city as jurors of said municipal court, to serve therein when required and drawn, during the succeeding four (4) months, until their successors are certified and designated; and the recorder of said city shall certify the names so drawn to the judge of said court, who shall thereupon write said names upon separate ballots and place the same in a box kept for that purpose, and whenever a jury is demanded by either party in said court, the judge or his clerk shall by lot draw eighteen (18) names from said box and make a list of the same. Each party may thereupon strike out three (3) names; in case of the refusal or neglect of either party to so strike out such names, the judge or clerk shall strike out the same for either or both parties, and upon such being stricken out a venire shall be issued and directed to either the sheriff or constable of the county or city, or to any police officer of the city, directing him to summon the twelve (12) whose names remain upon such list to appear before the court at the time and place named therein, as a juror for the trial of such action; *Provided*, that upon the consent of both parties, entered upon the minutes, a jury of six (6) may be ordered, and in such case twelve (12) names shall be drawn from the box and the list of the same made by the judge or clerk, and the party may strike out three (3) names, and said jury shall be selected, impaneled and summoned as provided in this section. The names of the jurors stricken from the list, as aforesaid, shall be placed in the box again. The same rules that obtain in the district courts of this state as to challenge of jurors, talesmen, oath of jurors and the respective functions of the court and jury, exceptions to the rulings of the court or judge thereof and his charges and refusal to charge, shall apply to this court, and when no other provisions are otherwise made in this act said court is vested with all the powers which are possessed by the district courts in this state, and all laws of a general nature shall be applied to said municipal court as far as the same can be made applicable and not inconsistent with provisions of this act.

Jurors in said municipal court shall be entitled to fifty (50) cents per day on trial of civil action, to be collected and paid in the same manner as in justice courts; but the party demanding a jury trial in civil actions shall be required to advance the jury fee before the jury is sworn; the jury shall be demanded on the call of the calendar, on the first (1st) day of the term, or it shall be considered waived, and the same shall be waived and said action shall be tried by the court. Jurors in criminal cases shall be entitled to like fees as jurors in civil actions, which fees shall attach as part of the costs of the case.

**SEC. 15.** Section four (4) of Chapter twenty-seven (27) of the General Statutes of eighteen hundred and seventy-eight (1878), relative to the reporter of the supreme court and distribution of the supreme court reports, shall apply to the judge of the said municipal court;

and in all cases an appeal may be taken from said municipal court, either to the district court of St. Louis county or to the supreme court of Minnesota, as the party appealing may elect.

When an appeal is taken to the said district court it shall be for like causes, and like proceedings therefor and therein shall be as now provided for appeals from justices courts.

When the appeal is taken to the supreme court like proceedings shall be taken and had as upon appeal from district court.

SEC. 16. Said municipal court shall have jurisdiction of all actions of forcible entries and unlawful detainers, and may fix return days for such actions on other than the regular return days of said court, and Chapter eighty-four (84) of General Statutes, and acts amendatory thereof relative to forcible entries and unlawful detainers, shall apply to said court.

SEC. 17. No judgment rendered in said court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as provided hereafter; but writs of execution thereon in civil actions may issue against the goods and chattels of the judgment debtor, returnable in thirty (30) days. Judgments may be stayed in this court as in courts of justices of the peace. Every person in whose favor a judgment is rendered in said court for an amount exceeding ten (10) dollars, may, upon paying the fee therefor and all unpaid fees payable in such action, demand, and receive, a transcript of such judgment, duly certified, and may file the same in the office of the clerk of the district court of the said county of St. Louis, who shall file and docket the same as in cases of transcripts of judgment from courts of justices of the peace, and the same shall become a lien on the real estate of the judgment debtor from the time of filing such transcript to the same extent as a judgment of said district court and carried into execution by its processes as if rendered in said district court. No such transcript shall be issued while a writ of execution is outstanding in the hands of an officer or otherwise, and a statement shall be made in the record of such judgment that such transcript has been issued, giving the date on which it was issued, and thereafter no writ of execution shall be issued out of said municipal court on such judgment; but in case of a loss of the transcript of such judgment first issued, a new transcript of such judgment may be issued.

SEC. 18. Complaints in criminal cases, where the defendant is not in the custody, may be made to the court when in session, or to the judge or clerk when not in session, and shall be in writing, or reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense be a violation of the criminal laws of the state or of the ordinances, regulations or by-laws of said city; and the clerk, as well as the judge, is hereby vested with the same authority, discretion and power to act in receiving complaints and issuing warrants of said court in criminal cases. The complaints, warrants and all other processes in criminal cases for violation of any law, ordinance or regulation of the city shall run in the name of the city of Ely and shall be directed to the sheriff, or any constable of St. Louis county, or any constable or police officer of the city of Ely, may be substantially in form as in use in courts of justices of the peace, with such alterations as may be proper to adapt them to the style of said municipal court, or may be in such other forms as the court may prescribe, sanction or approve.

In cases where the alleged offenders shall be in custody and brought before the judge or clerk without process, a complaint shall be made, which the judge or clerk shall reduce to writing, and the party be required to plead thereto as to warrants in other cases, and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. In the examination of offenders charged with indictable offenses, the judge or clerk shall keep minutes of the examination and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

SEC. 19. The judge of said court shall receive a salary of one thousand (1,000) dollars per year, and the clerk of said court shall receive such compensation as the city council of said city shall allow, payable from the city treasury in monthly installments. The judge shall not practice as an attorney in said municipal court while holding the office of judge. Neither said judge nor clerk shall receive any fees or other compensation other than his salary for his services, but in all proceedings had in said court the fees collected and charged by the judge and clerk shall be the same as are allowed by law to justices of the peace for similar services in proceedings and trials brought before them.

Police officers of said city are hereby vested with all the powers of constables under the statutes of Minnesota, as well as at common law, and the police officers making service of any process or other doing or duty in respect to causes in said court, shall note and return to the court for collection the fees that are allowed to constables for like services, and all fees, whether so charged by the judge or clerk or police officers, whether due from the county in preliminary examinations, or otherwise, shall be collected by the judge or clerk as costs and paid over and accounted for to the treasurer of the city.

The plaintiff, upon the making and filing his complaint in all civil actions, shall pay to the judge or the clerk of said court one (1) dollar for each one hundred (100) dollars or fraction thereof claimed in his complaint.

SEC. 20. In all criminal actions tried in said court, in which the defendant is convicted, the clerk or judge shall tax as costs of court, and, if not paid, the same shall be entered up in judgment against such persons, the following sums, viz.: In cases where no warrant is issued and defendant upon arraignment pleads guilty, two (2) dollars; in all cases where a warrant has issued and defendant pleads guilty, two (2) and one-half ( $\frac{1}{2}$ ) dollars; in all cases where the defendant pleads not guilty and is tried by the court, three (3) dollars; and in cases where the defendant is tried by a jury, five (5) dollars. Such sums in all cases are to be in addition to all other costs taxed in such cases, and to be turned into the city treasury.

SEC. 21. It shall be the duty of the city council of the city to see that a sufficient number of police officers are always in attendance upon said court and in readiness to obey its mandates and to serve its processes and to preserve order in the proceedings. Police officers of said city shall hereafter receive for their services no other compensation than their salary paid them by the city, except as otherwise provided in this act, and, if any fees shall be paid to any police officer for services, he shall forthwith pay the same over to the judge or clerk of said municipal court for the use of the city, and a failure to do so

shall be a misdemeanor punishable by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding thirty (30) days. The city council shall have the power, in its discretion, to appoint one or more persons, approved by the municipal judge, as policemen for special attendance and for duty in said court, irrespective of the general rules or legal regulations or enactments relative to the qualifications of policemen; such persons shall receive the same, but no greater compensation, unless the council direct greater compensation, than ordinary policemen, and all policemen attending court may be required to give bond to said city, in such sums as the council shall direct, for the performance of their duties for the use of all persons interested; *Provided*, that the above shall not affect the powers and duties of the general police in said court.

SEC. 22. In case it shall appear from the pleadings or upon the trial of any civil action that the title to real estate is involved in the action, the municipal court shall not proceed farther with the action, but shall transfer the same to the district court of the county of St. Louis, and the case shall be proceeded with within the court to which it shall be transferred as if originally commenced therein.

SEC. 23. The city attorney of the city of Ely shall have charge of all proceedings arising under the ordinances, rules and by-laws of the city before said municipal court; and the county attorney of the county of St. Louis shall have charge of the prosecution of all offenses against the criminal laws of the state.

SEC. 25. The clerk of the municipal court shall, under the direction of the judge and with the consent of the city council, from time to time, procure and furnish all necessary blanks, stationery, records, court room, jury room and office furniture, light and fuel for the use of the court and officers thereof, at the expense of the city.

SEC. 26. Upon the election and qualification of the municipal judge, all causes and proceedings then pending before any justices of the peace of the former village of Ely shall forthwith by said justice be transferred to said municipal court, with all the papers and records concerning the same, and said municipal court shall take cognizance of such actions and proceedings and proceed therein as if the same were originally commenced in said municipal court; all the dockets, records, files and papers in custody of all justices of the peace of said former village of Ely shall at once be transferred and turned over to said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before any justice of the peace, and when forced by execution or otherwise, all judgments heretofore rendered by a justice of the peace within the village of Ely, and said judgments shall stand on the same footing as judgments of said municipal court; and after the election and qualification of said municipal judge no justice of the peace within the former village of Ely, or any justice of the peace within the present limits of the city of Ely, shall issue any process nor take any cognizance of any action or proceeding, civil or criminal; but the jurisdiction of said court shall within said city be exclusive in all causes heretofore cognizable before a justice of the peace, except that this clause shall not affect the jurisdiction of any court of record having general jurisdiction such as conferred upon the district court.

SEC. 27. The judge of said court shall have power, with the approval of the city council, to appoint a stenographer for said court,

whose duty it shall be to keep accurate minutes, in shorthand, of all proceedings and causes tried in said court, whenever requested to do so by the judge, and extend the same into longhand, at the request of either party to such action. Said stenographer shall receive pay at the rate of five (5) dollars per day for each day actually employed in said court; the same to be certified and paid out of the city treasury the same as other officers of the city are paid. He shall receive for extending his shorthand minutes into longhand from the party ordering the same at the rate of ten (10) cents per folio for the first copy and five (5) cents per folio for all other copies.

It shall be the duty of the clerk of said court, in all cases where the services of said stenographer are used, to tax in the costs of said action five (5) dollars for the use and benefit of the city of Ely, to be collected in the same manner as other costs are taxed therein and collected.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

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## CHAPTER 60.

[H. F. No. 889.]

### AN ACT PROVIDING FOR THE CONSTRUCTION AND REPAIR OF SIDEWALKS IN THE CITY OF NORTHFIELD, RICE COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section four (4) of an act of the legislature of Minnesota, entitled "An act relating to the city of Northfield," approved March 1, one thousand eight hundred and eighty-nine (1889), is hereby amended so as to read as follows, to-wit:

"Sec. 4. The common council may cause sidewalks to be constructed, repaired or relaid whenever they deem the public welfare may require it, and shall prescribe the material of which such sidewalks shall consist, and the width and manner of constructing, relaying or repairing the same, and shall cause notice to be given by the street commissioner, or any other person, to the owner of any lot or parcel of land adjoining thereto, to construct, relay or repair so much of said sidewalks as adjoins their several lots or parcels of land at their own expense, respectively. Said notice shall specify the time within which said work shall be done, and shall be of such reasonable length of time as the council may prescribe; said notice may be given personally, or by publication in the official newspaper of the city; *Provided*, that when the owner resides in another place between which and the city of Northfield there is a regular communication by mail, the said service may be made by mail; *And provided*, that when the owner is a non-resident of said city and has an agent for the property residing within the city, service upon such agent shall be sufficient. In case of service by publication, an affidavit of the publisher, printer or foreman shall be sufficient proof of such publication.

"The notice, except when made by publication or by mail, shall be in writing, a copy of which shall be left with the person upon whom service is made, or at his place of residence with some person of discretion. When service is by mail, a copy shall be inclosed in an envelope and deposited in the post office, postage paid, and addressed to the person on whom service is made.

"In case of service by publication, a printed copy, with the affidavit of the publisher, printer or foreman, shall be placed on file in the office of the city recorder and shall be *prima facie* evidence of service; and in case of personal service or service by mail, the original notice, with the affidavit of service by the person making the same endorsed thereon, shall be filed in said office and shall be *prima facie* evidence of such service. The notice in all cases shall specify the improvement to be made.

"In case the owner is a non-resident of the city, and has no agent residing within the city upon whom service may be made, and the sidewalk is in an unsafe condition and demanding immediate repair, it may be repaired by the city without notice, and the expense of such repair assessed as provided in the next section.

"And no informality in any notice, whether served personally, by publication or mailing, shall affect such assessment.

"All notices shall be issued by the city recorder;

"*Provided*, that in case of repairs without notice, the affidavit of the street commissioner as to the kind of repairs made and the necessity thereof, filed in the office of the city recorder, shall be sufficient *prima facie* evidence thereof."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 61.

[H. F. No. 1023.]

AN ACT TO AMEND CHAPTER THREE (3) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO INCORPORATE THE CITY OF BARNESVILLE, CLAY COUNTY, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of chapter second (2d) of Chapter three (3) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by striking out the words "the second (2d) Tuesday of March" and by inserting in lieu thereof the words "on the day of the general state election," and further by striking out the words "an annual," where they occur in the first (1st) line of said section, and inserting in lieu thereof the words "a biennial;" by striking out the words and figures "ninety (1890) and every," where they occur in the fourth (4th) line of said section, and inserting in lieu thereof the words and figures "ninety-two (1892) and every even numbered."

SEC. 2. That section two (2) of said chapter second (2d) be amended by striking out the word "annual," where it occurs in the sixth (6th)

line of said section two (2) and inserting in lieu thereof the word "biennial;" by striking out the words and figures "ninety (1890)," where they occur in line eight (8) of said section two (2), and inserting in lieu thereof the words and figures "ninety-two (1892) and every even numbered year thereafter," and by inserting between the words "every" and "year," where they occur in the thirteenth (13th) line of said section two (2), the words "even numbered."

SEC. 3. That section four (4) of said chapter second (2d) be amended by striking out the word "annual," where it occurs therein, and inserting in lieu thereof the word "biennial."

SEC. 4. That section seven (7) of said chapter second (2d) be amended by striking out the words "an annual," where they occur therein.

SEC. 5. That section thirteen (13) of chapter third (3d) of said Chapter three (3) be amended so as to read as follows:

SEC. 13. The assessor, city clerk and the mayor shall meet on the first (1st) Monday after the first (1st) day of July in each year, at the council room in said city, and shall constitute a board of equalization, and being first duly sworn as such board, shall revise, amend and equalize the assessments on the roll or list of the assessor. Said board shall examine, ascertain and see that all taxable property in the city has been properly placed upon the said list and duly valued by the assessor, and in case any property, real or personal, shall have been omitted by inadvertence or otherwise, it shall be the duty of said board to place the same upon said roll or list, with the true value thereof, and shall so equalize the assessment that each lot or tract of real property, and each article, parcel or class of personal property, shall be entered on the assessment list at the true and full value thereof; but the assessment of the property of any person shall not be raised until such person shall have been duly notified of the intent of the board so to do. And on the application of any person considering himself aggrieved, said board shall review the assessment and correct the same as shall appear to them just. Any two (2) of said officers shall have authority to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented on that day. All complaints and grievances of individuals, residents of said city, in reference to the assessments of personal property, shall be heard and determined by said board; *Provided*, that the complaints of non-residents in reference to the assessments of any property, real or personal, and of others in reference to any assessment made after the meeting of said board, shall be heard and determined by the county board of Clay county; said city clerk shall, before the third (3rd) Monday in July of each year, certify and return the said list and assessment, so equalized as aforesaid, to the county auditor of said Clay county.

SEC. 6. Section nine (9) of chapter two (2) of said Chapter three (3) is hereby amended by striking out the words "one year," where they occur in said section, and inserting in lieu thereof the words "two years."

SEC. 7. The terms of office of all officers of said city now holding are hereby extended to conform to the charter of said city, as amended by this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.



## CHAPTER 62.

[H. F. No. 534].

AN ACT TO AMEND CHAPTER TWENTY-NINE (29) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF MURDOCK, SWIFT COUNTY, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the act incorporating the village of Murdock, Swift county, state of Minnesota, be and the same is hereby amended by repealing and striking out section seven (7) of said act and enacting and substituting in lieu thereof the following:

That the said village of Murdock shall constitute an election district for all purposes, both for general and special elections, under the laws of this state, and the president and two of the trustees of said village, to be designated by the council, shall constitute the judges at all elections held therein, and such judges are hereby empowered to appoint one (1) clerk of election who, with the clerk of said village shall be the clerks of such elections, and any of the said judges or clerks may administer all necessary oaths while acting as such officers.

*Provided*, that any of said judges of election may, before the opening of the polls on election day, appoint or substitute any competent elector of said village to act as judge for or in place of the party so substituting.

Such elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of election filled, except as herein otherwise provided, the same as required by the general laws of this state.

The clerk of said village shall give notice of said election in the same manner as required by law of town clerks, and the council of said village shall perform all the duties pertaining to the registration of the names of electors and to registry lists, the same as township supervisors are required to do under the election laws of this state; and the general statutes of this state shall apply to and govern the judges and clerks of election at all elections and in all cases wherein the same does not conflict with the provisions of this act; and it shall be the duty of the common council to determine in what place in said election district elections may be held.

SEC. 2. That the said village of Murdock, and the territory comprising the same, shall hereafter in all things be separate and distinct from the township of Dublin, of which township said territory was formerly a part.

SEC. 3. Be it further enacted, that that portion of section eight (8) of the village charter which reads, "*Provided*, that the president and trustees of the said village shall receive no compensation for their services," be and is hereby repealed.

SEC. 4. That all unpaid taxes assessed within the village of Murdock, of every nature, shall be collected by the treasurer of said vil-

lage, and that portion assessed for town purposes shall be appropriated to the use of said village under the direction of the trustees of said village.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 63.

[H. F. No. 171.]

AN ACT TO AMEND "AN ACT TO REDUCE, CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF ALBERT LEA, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of chapter one (1) of Chapter ten (10) of the Special Laws of eighteen hundred and eighty-nine (1889) is hereby amended so as to include the southwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section five (5) in township one hundred and two (102), range twenty-one (21) west, in addition to the territory therein described as constituting the limits of the city of Albert Lea.

SEC. 2. This act shall take effect from and after its passage.

Approved February 27, 1891.

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## CHAPTER 64.

[H. F. No. 601.]

AN ACT AMENDING CHAPTER TEN (10), SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING "AN ACT TO REDUCE, CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF ALBERT LEA, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The act entitled "An act to reduce, consolidate and amend the charter of the city of Albert Lea, Minnesota," approved April eight (8), one thousand eight hundred and eighty-nine (1889), is hereby amended, and the provisions of said act creating a board of public works in said city, and conferring upon said board certain powers and authority, are hereby repealed, and the powers and authority heretofore vested in said board of public works shall hereafter be vested and lodged in the city council of said city of Albert Lea.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 65.

[S. F. No. 756.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF SHAKOPEE, THE SAME BEING CHAPTER SIX (6) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875.)

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section fourteen (14) of chapter three (3) of said Chapter six (6) of Special Laws is hereby amended so as to read as follows:

Sec. 14. The common council, at their first (1st) regular meeting in April of each year, or as soon thereafter as may be, may elect a city surveyor, who shall be a practised surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council may prescribe his duties and fix the fees and compensation for any services performed by him. All books and papers pertaining to said office, other than as hereinafter provided, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor, if there be one, and if not, to the city recorder. The common council may, at any time that it deems proper, employ a practical surveyor or civil engineer, to make necessary surveys, profiles, plats or estimates, and the same, whether made by the city surveyor or by any other surveyor or engineer, under direction of the common council, shall be the property of the city, and deposited and filed with the city recorder.

SEC. 2. Section one (1) of chapter eight (8) of said Chapter six (6) of Special Laws is hereby amended so as to read as follows:

Sec. 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, the grade of the several streets, sidewalks and alleys and public grounds in said city, and shall cause accurate profiles of the grades so established to be made and kept in the office of the city recorder.

SEC. 3. Section eight (8) of chapter five (5) of said Chapter six (6) is hereby amended by striking out the word "sixty" where it occurs in the third (3d) line of said section and inserting the word "fifty" in lieu thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 66.

[S. F. No. 810.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF AUSTIN, MOWER COUNTY, MINNESOTA, BEING CHAPTER TWENTY-FOUR (24), SPECIAL LAWS OF A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section number two (2) of subdivision chapter one (1) of Chapter number twenty-four (24) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be amended so as to read as follows:

Sec. 2. All that district of country and territory, in the county of Mower, in this state, contained in the limits and boundaries hereafter described, shall constitute the city of Austin, viz.: The north half ( $\frac{1}{2}$ ) and the southwest quarter ( $\frac{1}{4}$ ), and the northwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section number two (2), all of section number three (3), the northeast quarter ( $\frac{1}{4}$ ) of section number ten (10) and the northwest quarter ( $\frac{1}{4}$ ) of section number eleven (11), all in township one hundred and two (102) north of range number eighteen (18) west; also, the south half ( $\frac{1}{2}$ ) of the south half ( $\frac{1}{2}$ ) of section thirty-four (34) and the south half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ), and the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section number thirty-five (35); also, a strip of land forty (40) feet wide off from the west side of the northwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section number thirty-four (34); also, the land included in and known as Oakwood cemetery, being in the southwest corner of the northeast quarter ( $\frac{1}{4}$ ) of section number thirty-four (34), all in township one hundred and three (103) north of range eighteen (18) west.

SEC. 2. That section number twelve (12) of subdivision chapter number seven (7) of said Chapter number twenty-four (24) be amended by adding to said section the following proviso: *Provided*, that the common council shall construct and maintain, until such land is platted, a sidewalk on the east side of the public highway from the north line of block number fourteen (14), in Morgan's addition to Austin, northwesterly and north, to the north entrance to said Oakwood cemetery, the same to be constructed and built within six (6) months from and after the passage of this act.

SEC. 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 67.

[H. F. No. 113.]

AN ACT TO AMEND CHAPTER FORTY-SIX (46) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), APPROVED FEBRUARY FOURTH (4TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO INCORPORATE THE VILLAGE OF ADA, IN POLK COUNTY (NOW NORMAN), MINNESOTA.'"

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter forty-six (46) of the Special Laws of one thousand eight hundred and eighty-nine (1889), approved February fourth (4th), one thousand eight hundred and eighty-nine (1889), being entitled, "An act to amend an act entitled 'An act to incorporate the village of Ada, in Polk county, (now Norman), Minnesota,' " be and the same hereby is amended so as to read as follows:

Sec. 1. That section thirty-five (35) of Chapter one (1) of the Special Laws of the state of Minnesota for one thousand eight hundred and eighty-one (1881), entitled "An act to incorporate the village of Ada in Polk county (now Norman), Minnesota," be and the same is hereby amended so as to read as follows:

Sec. 35. The said village of Ada and the remaining portion of the town of McDonaldsville, outside of the limits of said village, shall hereafter be and constitute separate and distinct general election districts or precincts, and separate and distinct bodies corporate, entirely independent of each other; and the citizens or inhabitants of either of said corporations shall take no part in the affairs of the other of said corporations; neither shall the said village of Ada or its inhabitants, pay any tax or assessment of any kind to the said town of McDonaldsville, or bear any of the burden of supporting said town, nor shall the said town of McDonaldsville, or its inhabitants, pay any tax or assessment of any kind to the said village of Ada, or bear any of the burden of supporting said village; and no resident or inhabitant of said village shall be eligible to any office under said town; *Provided*, that the said village of Ada shall not be released from paying its just proportion of the bonded indebtedness of the said town of McDonaldsville, as the same existed at the time of said separation, and the county auditor of the county of Norman shall, in the year one thousand eight hundred and ninety-one (1891), extend against the taxable property of said village of Ada, in addition to all other taxes, a tax sufficient to pay one-half ( $\frac{1}{2}$ ) of the sum so to be paid by said village on account of said bonded indebtedness, and in the year one thousand eight hundred and ninety-two (1892), he shall extend against the taxable property of said village a tax sufficient to pay the balance of the sum so to be paid by the said village; and the county treasurer of said Norman county shall collect said taxes as other taxes are collected by him, and pay the same over to the town treasurer of the town of McDonaldsville, whereupon said village of Ada shall be released from all liability on account of said bonded indebtedness.

SEC. 2. That section thirty-three (33) of said act, and all acts and parts of acts inconsistent herewith, are hereby repealed in so far as they apply to said village.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 68.

[H. F. No. 117.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF NEW LONDON, IN KANDIYOHI COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF PROCURING A WATER SUPPLY FOR SAID VILLAGE, THE ERECTION OF WATER WORKS, WITH ALL NECESSARY TANKS AND MACHINERY FOR THE PROPER DISTRIBUTION OF WATER WITHIN THE LIMITS OF SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of New London is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding two thousand (2,000) dollars, in such denomination as may by said council be deemed proper, payable in not more than ten (10) years, and to bear interest at a rate not greater than eight (8) per cent per annum, for the purpose of procuring a water supply for said village, and the erection of water works, with all necessary pumps, pipes, tanks, mills and machinery, for the proper distribution of water within the limits of said village, as a protection against fire, and for the general use and public benefit of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as "Public Improvement Bonds."

SEC. 2. Before issuing any such bonds, the village council of said village shall submit to the legal voters of said village a proposition or propositions, to be voted on by them at any general charter election or at a special election called for that purpose, which proposition or propositions shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable and the rate of interest they shall bear, within the limitation of the foregoing section; and if at said election a majority of the legal voters voting on said proposition or propositions shall vote "For issuing bonds" on any such proposition and in accordance therewith, then said bonds may be issued in accordance with said proposition and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

**CHAPTER 69.**

[H. F. No. 199.]

AN ACT AUTHORIZING AND DIRECTING THE COMMON COUNCIL OF THE VILLAGE OF DASSEL, MEEKER COUNTY, MINNESOTA, TO PAY A PART OF THE LIQUOR LICENSE MONEYS OF SAID VILLAGE TO THE BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NUMBER FORTY-SEVEN (47) OF SAID DASSEL, MEEKER COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the village of Dassel, Meeker county, Minnesota, is hereby authorized, empowered and directed to pay into the treasury of the board of education of independent school district number forty-seven (47), of said Dassel, Meeker county, Minnesota, one-half ( $\frac{1}{2}$ ) of all the moneys now on hand or which shall be hereafter received by said village in payment of liquor license, to be used for the support of the public schools maintained in said district, or the liquidation of any indebtedness, bonded or otherwise, created for the benefit of public schools maintained in said district.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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**CHAPTER 70.**

[H. F. No. 41.]

AN ACT TO CONFIRM, LEGALIZE AND VALIDATE ALL ASSESSMENTS FOR LOCAL IMPROVEMENTS MADE BY THE VILLAGE COUNCIL OF THE VILLAGE OF WEST DULUTH, ST. LOUIS COUNTY, DURING THE YEARS ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889) AND ONE THOUSAND EIGHT HUNDRED AND NINETY (1890).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. All assessments for local improvements, including construction of sidewalks, crosswalks, curbs, catch basins and grading, graveling, paving and otherwise improving streets, avenues and alleys made, levied or assessed by the village council of the village of West Duluth, St. Louis county, during the years eighteen hundred and eighty-nine (1889) and eighteen hundred and ninety (1890), be and the same are hereby in all respects confirmed, legalized and validated, as fully as if the same had been previously fully authorized by law and all proceedings in reference to the imposition and levy of such assessments had been had in conformity to law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

## CHAPTER 71.

[S. F. No. 731.]

AN ACT TO AMEND "AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF DULUTH," APPROVED MARCH SECOND (2d) ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AS AMENDED BY AN ACT APPROVED MARCH SECOND (2d), A. D. ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE (1891), ENTITLED "AN ACT AMENDING CHAPTER TWO (2) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED 'AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF DULUTH,' APPROVED MARCH SECOND (2d) ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AS AMENDED BY CHAPTERS NINETEEN (19), NINETY-SIX (96) AND THREE HUNDRED AND FOUR (304) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889)."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section three (3) of chapter one (1) of an act entitled "An act to define the boundaries of and establish a municipal government for the city of Duluth," approved March second (2d) one thousand eight hundred and eighty-seven (1887), as amended by an act approved March second (2d), A. D. one thousand eight hundred and ninety-one (1891), entitled "An act amending Chapter two (2) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and eighty-seven (1887), entitled 'An act to define the boundaries of and establish a municipal government for the city of Duluth,' approved March second (2d), one thousand eight hundred and eighty-seven (1887), as amended by Chapters nineteen (19), ninety-six (96), and three hundred and four (304) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889)," be and the same is hereby amended by adding to said section three (3) the words: "If any territory has heretofore, or shall hereafter be added to the city of Duluth, by act of the legislature of the state of Minnesota or otherwise, and no provision be made in the act annexing said territory for the division of said territory into wards, or the annexation of the same to other wards of the city, to take effect when said territory is actually annexed, the common council shall, as soon as may be after said actual annexation has taken place, erect the same into one or more wards, and shall designate the representation which said ward or wards shall have in the common council, or it shall annex said territory to one or more adjacent existing wards of the city."

SEC. 2. That section eleven (11) of chapter five (5) of said act is amended by inserting in said section, after the words "eight per cent per annum from the time of the passage of said resolution," the words, "Provided, that no assessment shall be divided when the amount of any of the installments into which it is divided is less than ten (10) dollars.



SEC. 3. That chapter six (6) of an act of the said legislature entitled "An act to define the boundaries of, and establish a municipal government for, the city of Duluth," approved March second (2d), one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended by adding at the end of said chapter six (6) the following section:

Sec. 4. If the taking of private property in accordance with the provisions of this chapter shall be undertaken in connection with chapter five (5) of this act, and if it is desired by the city to make an assessment against the property benefited to defray the cost of taking said property, the city clerk, city treasurer or other officer with whom any papers are filed, showing cost of the property so taken, shall, as soon as may be after the completion of the proceedings under this chapter, certify to the board of public works the cost and expense of acquiring said property, and said board shall thereupon proceed to make an assessment against the property deemed by them benefited to defray the expense of acquiring said property, in accordance with the provisions of said chapter five (5).

SEC. 4. Section seven (7) of said chapter five (5) of said act is hereby amended by inserting in the second line of said section, after the word "provided," the words "or after the cost thereof shall have been determined in accordance with the provisions of chapter six (6) hereof, or otherwise, and been certified to, or ascertained by, said board," and by further inserting in said section before the words "if the amount so assessed," the words "if the work shall have been completed before any assessment is made, or if the expense thereof shall have been fully incurred by condemnation proceedings, had under chapter six (6) of this act or."

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 72.

[H. F. No. 807.]

[Relating to the Village of Willmar.]

AN ACT TO AMEND SECTION THREE (3) OF CHAPTER FORTY-NINE (49) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section three (3) of Chapter forty-nine (49) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and seventy-six (1876) be and the same is hereby amended so as to read as follows:

"Sec. 3. That section one (1) of chapter two (2) of said act be and the same is hereby amended by inserting therein the following:

*Twenty-six*—To provide by ordinance for the prevention and extinguishing of fires and to organize and establish fire companies; to erect water works; to establish limits within which wooden or other combustible buildings shall not be erected, and generally to establish such measures for the prevention and extinguishment of fire as may be necessary and proper."

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 73.

[H. F. No. 803.]

AN ACT TO AMEND CHAPTER THIRTY-EIGHT (38) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-ONE (1881), AND A SUBSEQUENT ACT AMENDATORY THEREOF RELATING TO THE VILLAGE CHARTER OF PINE CITY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of chapter two (2) of the said Chapter thirty-eight (38) of the Special Laws of eighteen hundred and eighty-one (1881) be amended by erasing the word "three" and figure "3," where they occur in the second (2d) line of said section, and inserting in lieu thereof the word "five (5)."

SEC. 2. That section three (3) of chapter three (3) of the said chapter thirty-eight (38) be amended as follows:

Between the semi-colon immediately following the word "attend," and the word "copies" in the seventh (7th) line of the said section, shall be inserted the following proviso: "*Provided*, that if at any regular or special meeting of the common council it is impossible for the recorder to attend, by reason of sickness or otherwise, the said council may appoint one (1) of its members to write out its minutes, and the said council may then proceed to transact such business as may be before it. Thereafter, when the said minutes have been approved, they shall be entered by the recorder in his book of records."

SEC. 3. That section four (4) of chapter four (4) of said chapter thirty-eight (38) be amended by erasing the words "an approximate," where they occur in the first (1st) line of the said section, and inserting in lieu thereof the word "the," and by erasing the word "present," where it occurs in the second (2d) and ninth (9th) lines of the said section, and inserting in lieu thereof, in each place, the word "elect."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 74.

[S. F. No. 298.]

AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF EAST GRAND FORKS, IN POLK COUNTY, APPROVED MARCH SEVENTH, (7TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AND THE ACT AMENDATORY THEREOF, APPROVED MARCH NINETEENTH (19TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of chapter four (4) of the act entitled "An act to incorporate the city of East Grand Forks, approved March seventh (7th), one thousand eight hundred and eighty-seven (1887), being Chapter forty-five (45) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and eighty-seven (1887), be and it is hereby amended by adding to said section the following:

"At the first regular session of the city council after each annual election, or within such reasonable time thereafter as the city council may designate, the mayor shall appoint a city recorder, a chief of police and such other officers as may by the city council be deemed necessary or expedient, which appointments shall be subject to the approval of a majority of all the councilmen elected. The mayor may, upon the failure of any appointee to be confirmed, and at the same meeting, a second time submit the name of the same person for confirmation, stating his reasons, in writing, for such action; and if the appointee is again rejected by the council, his name shall not be again submitted, and the mayor shall at once submit another name, and so on until appointees are confirmed."

SEC. 2. That section two (2) of chapter three (3) of said act be and it is hereby amended by adding to said section the following:

"All ordinances, resolutions and measures shall, before they take effect, be presented to the mayor, and, if he approve thereof, he shall sign the same; such as he shall not sign he shall return to the city council by depositing the same with the city recorder, stating his reason, in writing, which shall be presented at the next regular meeting of the council; whereupon the council shall reconsider the same, and if the same shall be passed by a vote of three-fourths ( $\frac{3}{4}$ ) of all the councilmen elected, the same shall become a law without the signature of the mayor."

SEC. 3. That section three (3) of chapter two (2) of said act be amended by adding the words "or councilman" after the word mayor where it first appears in said section.

SEC. 4. That section fourteen (14) of chapter three (3) of said act be amended by striking out the word "quarterly" in the first line of said section and inserting in lieu thereof the word "monthly."

SEC. 5. That section two (2) of chapter two (2) of said act be amended by striking out the words "all other officers necessary for

the proper management of the city affairs shall be appointed by the city council," where they occur in said section.

SEC. 6. That section eight (8) of chapter three (3) of said act be amended by adding to said section the following:

"The treasurer shall submit to the city council, at each regular meeting thereof, a statement of all money received and paid out by him during the preceding month."

SEC. 7. That section fifteen (15) of the act amendatory of said act, approved March nineteenth (19th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

"Sec. 15. Thirty-five (35) per cent of all money which shall hereafter be received by said city in payment of liquor license shall be turned into the treasury of independent school district of East Grand Forks, formerly district number three (3) of Polk county, to be used for the support of schools in said district, or the liquidation of any indebtedness, bonded or otherwise, created for the benefit of the schools in said district."

SEC. 8. That section two (2) of chapter two (2) of said act be amended by adding thereto the following:

"At the first (1st) election after the passage of this act there shall be elected the full number of councilmen. And at the first meeting of the city council after such election the councilmen elected shall be divided by lot into two (2) classes; those of the first (1st) class shall continue in office for one (1) year, and those of the second (2nd) class for two (2) years, and thereafter there shall be elected at each annual election four (4) councilmen, who shall hold their office for two (2) years. Four (4) councilmen and the mayor, and, in the absence of the mayor, five (5) councilmen, shall constitute a quorum to do business; but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance."

SEC. 9. That section two (2) of chapter one (1) of said act be amended by inserting after the words "the north half ( $\frac{1}{2}$ ) of section twelve (12)," where they appear in said section, the following, "and lot one (1) of section eleven (11)."

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 75.

[H. F. No. 980.]

AN ACT TO AMEND "AN ACT TO CONSOLIDATE IN ONE ACT THE CHARTER OF THE CITY OF ST. CLOUD AND TO AMEND THE SAME," APPROVED APRIL THIRTEENTH (13TH) ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section sixteen (16) of chapter fourteen (14) of an act entitled "An act to consolidate in one act the charter of the city of St Cloud, and to amend the same," approved April thirteenth

(13th), one thousand eight hundred and eighty-nine (1889), be and the same hereby is amended so as to read as follows:

Sec. 16. The city of St Cloud shall care for and support the pauper poor having a residence in said city within the meaning of the poor laws. And those portions of said city lying within the counties of Benton and Sherburne shall be and continue to be subject to taxation by said city for the support of the poor of said city; but that part of said city within said county of Benton shall not be subject to taxation by said county of Benton for the support of the poor of said county, and that part of said city within said county of Sherburne shall not be subject to taxation by said county of Sherburne for the support of the poor of said county.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 76.

[H. F. No. 182.]

AN ACT LEGALIZING THE INCORPORATION OF THE VILLAGE OF WHEATON, IN TRAVERSE COUNTY, AND THE SEVERAL ACTS OF THE OFFICERS OF SUCH VILLAGE SUBSEQUENT TO SUCH INCORPORATION.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The incorporation of the village of Wheaton, in the county of Traverse, is hereby declared to be legalized in all matters and particulars whatever, and all acts of the officers of such village, prior to the passage of this act, are hereby legalized.

SEC. 2. This act shall take effect and be in full force from and after the date of its passage.

Approved March 7, 1891.

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## CHAPTER 77.

[H. F. No. 101.]

AN ACT TO AUTHORIZE THE VILLAGE OF WILLMAR, IN KANDIYOH COUNTY, TO ISSUE ITS BONDS FOR THE PURPOSE OF CONSTRUCTING WATER WORKS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION. 1. The village council of the village of Willmar, in Kandiyohi county, is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding twenty thousand (\$20,000) dollars, in such denominations as may by

said council be deemed proper, payable in not less than five (5) years nor more than thirty (30) years, and to bear interest at a rate not greater than six (6) per cent per annum, for the purpose of securing a water supply for said village, and the erection of water works, with all necessary pumps, pipes, tanks, mills, engines and machinery, for the proper distribution of water within the limits of said village, as a protection against fire, and for the general use and public benefit of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as "Public Improvement Bonds."

SEC. 2. Before issuing any such bonds, the village council of said village shall submit to the legal voters of said village a proposition or propositions, to be voted on by them at any general charter election, or at a special election called for that purpose, noticed and held as elections for village officers are, or may be held in said village, which proposition or propositions shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable, and the rate of interest they shall bear, within the limitation of the foregoing section; and if at said election a majority of the legal voters voting on said proposition or propositions, shall vote "For issuing bonds" on any such proposition, and in accordance therewith, then said bonds may be issued in accordance with said proposition, and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

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## CHAPTER 78.

[H. F. No. 195.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF FRANCONIA, IN THE COUNTY OF CHISAGO, TO APPROPRIATE AND PAY OVER TO THE TRUSTEES OF SCHOOL DISTRICT NUMBER FOUR (4) OF SAID COUNTY, MONEYS HERETOFORE RECEIVED, OR THAT MAY BE HEREAFTER RECEIVED, BY SAID VILLAGE FROM LIQUOR LICENSES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Franconia, a village corporation duly incorporated, organized and existing in the county of Chisago and state of Minnesota, under the laws of said state, are hereby authorized and empowered to appropriate and pay out, from time to time, such amounts as they may deem expedient, to the trustees of school district number four (4), of said county, of the moneys heretofore received, or that may be hereafter received, by said village from liquor licenses issued therein; such moneys so appropriated to be expended by the trustees of said school district for the erection of school buildings and for school purposes only.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 79.

[S. F. No. 501.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE VILLAGE OF BLUE EARTH CITY, FARIBAULT COUNTY, MINNESOTA," BEING CHAPTER FOURTEEN (14), SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section four (4) of said Chapter fourteen (14) of the Special Laws of the year one thousand eight hundred and seventy-nine (1879), entitled "An act to incorporate the village of Blue Earth City, Faribault county, Minnesota," is hereby amended by adding to said section the following subdivisions:

*Twenty-first*—The village council shall have power to maintain the water works and sewers now established and to enlarge, extend, relay and improve the same, as the best interests of the public good shall require; *Provided*, that nothing herein shall be construed to authorize the said council to convey, lease or dispose of the water works and their connections in said village, but the same shall remain the property of, and be operated by, the said village.

Whenever any water main or sewer shall be laid or extended through any street or streets of said village, or in any portion thereof, the village council shall have power to levy and collect, by special assessment upon the property on both sides of such street or streets fronting upon such improvement, a tax of an equal sum per front foot without regard to valuation; *Provided*, that said assessment shall not exceed the sum of one dollar (\$1) per front foot on each side against business property, and fifty (50) cents per front foot on each side against residence property for water mains; *And provided further*, that said assessment shall not exceed the sum of one (1) dollar per front foot on each side against business property, and fifty (50) cents per front foot on each side against residence property for sewers; and the said assessment shall be returned by the said council in their annual return to the county auditor, and said assessment so made and returned shall become a lien upon each lot, lots or parcels of land, as in case of town, county and state taxes. The cost not provided for by such assessment, including the construction of the same across streets and alleys and against property exempt by law from such assessment, shall be paid out of the general fund of the said village; *Provided*, that before any action is taken by the said council to tax any water mains or sewers, a petition to the said council praying for such improvements shall be made and signed by at least a majority of the owners of the property, residents of said village, on both sides of the street or streets, or portion thereof, to be improved.

It shall be the duty of the village council to fix, by ordinance, rates or rents for the use of water from the village water works, and when payable, and provide for the collection of the same and for the shutting off of water from any mains where rents are due and unpaid; and further, to provide for the protection of such water works and its con-

nections and for the punishment of all injuries or unauthorized interference with the same. The owner or owners of the private property which has upon it pipes connected with the village water works to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the village of Blue Earth City for rates or rents for all waters used upon such premises, as fixed by the water tariff of rates, which may be recovered in a civil action against such owner, lessee or occupant, any or all of them.

*Twenty-second*—The village council shall have the right to provide for and control the erection and operation of gas works, electric light works or any other works or means for lighting streets, alleys, public grounds and buildings in said village, and shall have full power to maintain and operate such works, with all rights incident thereto, the laying of pipes, mains and wires into, through and under the streets, alleys and public grounds of said village, and the erection of poles, masts and towers and the running of wires thereon over, in and upon and across the streets, alleys and public grounds of said village, and to provide for the rates and the collections thereof, and shutting off the same in case rates are not paid when due; and the said council are fully authorized to contract with any person, persons or corporation for the lighting of such village, with the rights and privileges as hereinbefore provided; *Provided*, that such franchise shall provide for the sale of such works to the said village, at the option of the village council or its successor, at any time after twenty (20) years from the commencement of such contract and franchise, at a valuation to be agreed upon and determined in a manner to be prescribed in the grant thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 80.

[H. F. No. 556.]

AN ACT TO AMEND CHAPTER THIRTY-ONE (31) OF THE SPECIAL LAWS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO AMEND CHAPTER TWO (2) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-SEVEN (1877), ENTITLED 'AN ACT TO INCORPORATE THE VILLAGE OF PRINCETON IN THE COUNTY OF MILLE LACS.'"

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section twelve (12) of Chapter thirty-one (31) of the Special Laws of the year eighteen hundred and eighty-nine (1889), entitled, "An act to amend Chapter two (2) of the Special Laws of eighteen hundred and seventy-seven (1877), entitled 'An act to incorporate the village of Princeton, in the county of Mille Lacs,'" which act was approved March thirtieth (30th), eighteen hundred and eighty-nine (1889), is hereby amended by adding at the end of said section twelve (12) the following:



*Twenty-second*—To fill any and all vacancies in the office of president or trustee or treasurer or recorder or justice of the peace in said village of Princeton, and said vacancy shall be filled by said common council at any regular meeting thereof, and the officer so appointed by said council shall hold his office until the next village election thereafter ensuing and until his successor be elected and qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

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## CHAPTER 81.

[H. F. No. 249.]

AN ACT TO AUTHORIZE THE VILLAGE OF GAYLORD, IN SIBLEY COUNTY, TO ISSUE BONDS TO THE AMOUNT OF FIVE THOUSAND (5,000) DOLLARS, FOR THE PURPOSE OF BUILDING AND COMPLETING A VILLAGE HALL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village council of the village of Gaylord is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of five thousand (5,000) dollars, in such denominations as may be by said council determined, payable in not more than twenty (20) years, and to bear interest not greater than eight (8) per cent per annum, payable annually, for the purpose of erecting, building and finishing a village hall in and for the use of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as the "Village Hall Bonds" of said Gaylord.

SEC. 2. Before issuing any such bonds, the village council shall submit to the legal voters of said village, as a proposition to be voted on by them, at any annual village election, or at a special election called for that purpose, which proposition shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable and the rate of interest the same shall bear, within the limitations of section one (1) of this act. At said election those voting in favor of such issue shall have written or printed upon the ballots used the words, "For the issue of bonds to build a village hall — Yes;" and those voting against such issue, a ballot containing the words, "For the issue of bonds to build a village hall — No." Such votes shall be canvassed and returned in the same manner prescribed by law for the canvassing and returning of the votes cast for village officers. And if at said election a majority of the legal voters voting on said proposition shall vote for the issue of bonds, "For building a village hall—Yes," then said bonds may be issued in accordance with said proposition, and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage

Approved March 11, 1891.

## CHAPTER 82.

[S. F. No. 590.]

AN ACT TO AMEND CHAPTER TWO (2) OF "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA," APPROVED FEBRUARY TWENTY-FIRST (21st), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2) of chapter two (2) of an act entitled "An act to amend the charter of the city of Winona," approved February twenty-first (21st), A. D. eighteen hundred and eighty-seven (1887), be and the same is hereby amended so as to read as follows:

Sec. 2. An election of city officers shall be held on the first (1st) Monday in April, in the year eighteen hundred and ninety-three (1893), and on that day biennially thereafter. Notice of the time and place of holding such election shall be given by the city recorder by publishing such notice in the official newspaper of the city at least once in each week, for two (2) successive weeks, immediately prior to such election.

Sec. 2. That section eight (8) of chapter two (2) of an act entitled "An act to amend the charter of the city of Winona," approved February twenty-first (21st), A. D. eighteen hundred and eighty-seven (1887), be and the same is hereby amended so as to read as follows:

"Sec. 8. On the first (1st) Monday in April, A. D. eighteen hundred and ninety-three (1893), and on that day biennially thereafter, there shall be elected in said city, by the electors thereof, a mayor, an assessor, a treasurer and an alderman at large; and on the first (1st) Monday in April, A. D. one thousand eight hundred and ninety-three (1893), and on that day biennially thereafter, there shall be elected in and for each ward, by the electors residing therein, one (1) alderman, who shall be a resident of such ward; and on the first (1st) Monday in April, A. D. one thousand eight hundred and ninety-three (1893), and quadriennially thereafter, there shall be elected in said city, by the electors thereof, a municipal judge and a special judge of the municipal court.

"At a meeting to be held on the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-one (1891), and on that day annually thereafter, the city council shall appoint a city recorder, a city engineer, a street commissioner, a city attorney, a pound-master and a water commissioner, who shall hold their respective offices for the term of one (1) year from the time of entering upon the duties of the same and until their respective successors shall be appointed and qualified; *Provided*, that the council may, in its discretion, confer any two (2) of the three (3) offices of city engineer, street commissioner and water commissioner upon one and the same person.

"All city officers elected by the people shall enter upon the duties of their respective offices on the third (3d) Monday in April in the

year of their election, and the above named officers to be appointed by the council shall enter upon the duties of their respective offices on the first (1st) Monday in May in the year of their appointment. And all the aforesaid officers of said city, elected by the people, shall hold their respective offices for the term of two (2) years and until their respective successors shall be elected and qualified, except the alderman for each ward and the municipal judge and the special judge for the municipal court, who shall hold for the term of four (4) years and until their respective successors shall be elected and qualified; *Provided*, that the term of office of all the aforesaid officers who are elected by the people for a term expiring on the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-two (1892), shall continue to, and expire on, the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-three (1893), or as soon thereafter as their successors shall qualify; and that the term of office of all the aforesaid officers who are elected by the people for a term expiring on the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-three (1893), shall continue to, and expire on, the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-five (1895), or as soon thereafter as their successors shall qualify, except the office of municipal judge and special judge of the municipal court of said city. That there shall be no general municipal election until the first (1st) Monday in April, one thousand eight hundred and ninety-three (1893). Members of the board of health, and such other city officers not above mentioned, as are required by this act, or by any other act of the legislature, or by any ordinance of the city now existing, or who may be required by any future act of the legislature of this state, or by any future ordinance of said city, shall be appointed at such times and for such terms as may be designated by such act or ordinance."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 83.

[S. F. No. 585.]

AN ACT TO AMEND "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ANOKA, IN THE COUNTY OF ANOKA AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME," BEING CHAPTER NINE (9) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), APPROVED MARCH EIGHTEENTH (18TH), EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section nine (9) of chapter three (3) of said act be so amended as to read as follows:

Sec. 9. The city council shall, at its first (1st) meeting after each annual election, appoint a street commissioner for said city, whose

term of office shall be for one (1) year. All work done by the street commissioner shall be subject to the approval of the aldermen of their respective wards and the city engineer. It shall be the duty of such street commissioner to see that all streets and sidewalks of said city which have been graded and opened for travel are kept clear from all obstructions and in such repair as to be safe and passable; also, to superintend, subject to the directions of the city engineer, the grading of streets and the laying of sidewalks, and carry into effect all orders of the city council in reference to work to be done on the streets of said city; but no street commissioner shall do any work upon streets, except such as is necessary to keep traveled streets and sidewalks in repair and passable condition, unless such work is specially ordered by the city council. The street commissioner shall keep accurate accounts of his work and expenditures and make detailed and itemized reports thereof to the city council monthly, and oftener if required by the city council, and no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied or preceded with such full and itemized reports of his work and expenditures up to the time of presentation of such bill. The city council shall fix the rate of compensation to be paid said street commissioner and for laborers employed in work on said streets.

No street commissioner shall be interested in any contract for any work to be done under his charge, nor be allowed any compensation for any use of team owned by himself, or in which he shall have an interest, nor for any material or labor furnished by him, except his personal services, nor shall he receive any commission, gratuity, money or valuable thing, directly or indirectly, from any person doing work or furnishing material for any work or construction under the charge of such street commissioner or the city engineer of said city. And in case of any acceptance of a commission, gratuity, money or valuable thing by the city engineer, street commissioner or other officer, contrary to the provisions of this section, such engineer, commissioner or other officer shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved March 25, 1891.

## CHAPTER 84.

[H. F. No. 213.]

AN ACT TO AMEND CHAPTER THIRTY (30) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED "AN ACT TO REDUCE THE LAWS INCORPORATING THE VILLAGE OF MORRIS, COUNTY OF STEVENS, STATE OF MINNESOTA, AND THE ACT AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section sixteen (16) of Chapter thirty (30) of the Special Laws of one thousand eight hundred and eighty-one (1881) is hereby amended as follows:

*Twenty-eighth*—The common council of the village of Morris shall have power to establish a fire department, and shall have supervision of the officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the village and all others present to aid in the extinguishment of fires and to pull down and raze such buildings in the vicinity of fire as shall be directed by them, or any two (2) of them, who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits, or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect by him or her, to procure the same, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village, or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be deemed dangerous to be put in safe condition; and generally to establish such measures for the prevention or extinguishment of fires as may be deemed necessary and proper.

*Twenty-ninth*—To license and regulate or restrain or suppress all peddlers, hawkers, canvassers, solicitors of orders for the future delivery of goods in retail quantities, transient traders and persons selling goods at retail by sample.

SEC. 2. This act shall take effect from and after its passage.

Approved March 7, 1891.

## CHAPTER 85.

[H. F. No. 86.]

AN ACT TO AMEND SECTIONS THIRTY-NINE (39) AND FORTY (40), CHAPTER TWO (2) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF ALEXANDRIA, IN DOUGLAS COUNTY, AND TO REPEAL FORMER ACTS OF INCORPORATION OF SAID VILLAGE."

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section thirty-nine (39) of Chapter two (2) of the Special Laws of the year one thousand eight hundred and eighty-one

(1881), entitled "An act to incorporate the village of Alexandria, in Douglas county, and to repeal former acts of incorporation of said village," be amended so as to read as follows:

Sec. 39. For the purpose of raising funds for the purchase of a village park, a site for a village hall and the erection and furnishing of such hall; for the purchase of apparatus to extinguish fires; for the purpose of supplying the inhabitants of the village, and public places and buildings within the village, with water, gas or electricity for illuminating purposes, or for the purpose of paying any and all indebtedness of the village heretofore contracted by the common council for any of the purposes aforesaid, the said common council is hereby authorized and empowered, by a two-thirds ( $\frac{2}{3}$ ) vote of the members thereof, to issue the bonds of the village to such an amount as may be necessary for any of the purposes aforesaid, in the discretion of the common council; *Provided, however*, that the total amount of bonds authorized by this act to be issued shall at no time exceed four (4) per cent of the value of all the taxable property within the village according to the assessed valuation of such property last preceding the date of issue of any of such bonds.

Sec. 2. That section forty (40) of Chapter two (2) of the Special Laws of the year one thousand eight hundred and eighty-one (1881), entitled "An act to incorporate the village of Alexandria, in Douglas county, and to repeal former acts of incorporation of said village," be amended so as to read as follows:

Sec. 40. That the bonds authorized to be issued under the provisions of section thirty-nine (39) of this act shall be issued in denominations of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars; they shall have interest coupons attached, shall be made payable in not less than five (5) nor more than thirty (30) years from date of issue, and at such place as the common council may determine; and shall draw interest, not exceeding seven (7) per cent per annum, payable annually or semi-annually, and at such place as the common council may determine at the time the bonds are issued. It is hereby made the duty of the village recorder to keep a record, in a book to be provided by the common council, of all bonds issued under the provisions of this act; and such record shall show the date, number and amount of each bond issued, its rate of interest, the time when it becomes due, the place where it is payable and the name of the person to whom it is issued. No bond issued under the provisions of this act shall be negotiated for less than its par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 86.

[H. F. No. 702.]

AN ACT TO ENLARGE AND EXTEND THE TERRITORIAL LIMITS OF THE CORPORATE VILLAGE OF DAWSON, IN LAC QUI PARLE COUNTY, STATE OF MINNESOTA, BY ADDING AND ATTACHING TO SAID VILLAGE OF DAWSON CERTAIN LANDS CONTIGUOUS THERETO.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the following described territory and parcels of land, to-wit, the southwest quarter ( $\frac{1}{4}$ ) and the southeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the west half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section twenty-one (21), in township number one hundred and seventeen (117) north of range forty-three (43) west, in the county of Lac qui Parle, state of Minnesota, be and the same and all thereof is hereby added and annexed to the village of Dawson, in the county of Lac qui Parle and state of Minnesota, and does hereby become a part of the corporate village of Dawson.

SEC. 2. The territory hereby added and annexed to the said corporation village of Dawson shall hereafter be subject to the jurisdiction, laws and ordinances now or hereafter in force in said village of Dawson in like manner as the territory heretofore embraced in the corporate limits of said village.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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CHAPTER 87.

[S. F. No. 683.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE VILLAGE OF GLENCOE," BEING CHAPTER SIX (6) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter six (6) of the Special Laws of one thousand eight hundred and seventy-two (1872), be amended to read as follows:

That all that part of the town of Glencoe known and described as the north half ( $\frac{1}{2}$ ) of section thirteen (13) and the east half ( $\frac{1}{2}$ ) of section fourteen (14) and the northwest quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section twenty-three (23), in township one hundred and fifteen (115) of range twenty-eight (28), all in McLeod county and state of Minnesota, shall be known as "The Village of Glencoe," and

the people now inhabiting, and those who shall hereafter inhabit, within said district shall be a municipal corporation by the name of "The Village of Glencoe," and shall have the power generally possessed by municipal corporation, possessing all the powers incident to municipal corporation at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and of being impleaded, in all courts of law and equity, and may have a common seal.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 88.

[S. F. No. 285.]

AN ACT TO AMEND THE ACT INCORPORATING THE BOROUGH OF BELLE PLAINE, IN SCOTT COUNTY, MINNESOTA, BEING CHAPTER THIRTY-SIX (36) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868), AND THE SEVERAL ACTS AMENDATORY THEREOF.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the act incorporating the borough of Belle Plaine, Scott county, Minnesota, being Chapter thirty-six (36) of the Special Laws of the year one thousand eight hundred and sixty-eight (1868), and the several acts amendatory thereof, be amended as follows:

That section five (5) of Chapter thirty-six (36) of the Special Laws of one thousand eight hundred and sixty-eight (1868) be and the same hereby is amended by striking out the following:

Commencing with the word "All" in the fifth (5th) line of said section five (5), down to and including the word "ordinance," in the seventh (7th) line of said section, and insert in lieu thereof the following, "All ordinances shall be."

SEC. 2. That section seven (7) of Chapter thirty-six (36), Special Laws of one thousand eight hundred and sixty-eight (1868), be and the same hereby is amended by striking out all after the word "and" in the tenth (10th) line of said section, down to and including the word "ordinance" in the twelfth (12th) and thirteenth (13th) lines of said section, and after the word "allowed," in the seventeenth (17th) line of said section, and insert the words "by the council;" and also strike out all after the word "as," in the twenty-second (22d) line of same section, down to and including the word "ordinance" in the twenty-fourth (24th) line of said section seven (7).

SEC. 3. That section nine (9) of Chapter thirty-six (36), Special Laws of one thousand eight hundred and sixty-eight (1868), as amended by section three (3) of Chapter fifty-three (53), Special Laws of one thousand eight hundred and seventy-three (1873), be and the same hereby is amended by adding thereto the following: "That no person holding the office of borough justice in said borough shall hold the



office of justice of the peace in and for the town of Belle Plaine, in said county, at the same time.

SEC. 4. That section two (2) of Chapter thirteen (13), Special Laws of one thousand eight hundred and eighty-five (1885), be and the same hereby is repealed.

SEC. 5. That section six (6) of Chapter thirteen (13), Special Laws of one thousand eight hundred and eighty-five (1885), be and the same hereby is amended by striking out the word "council," in the ninth (9th) line of said section six (6), and inserting in lieu thereof the word "mayor."

SEC. 6. That section nine (9) of Chapter thirteen (13), Special Laws of one thousand eight hundred and eighty-five (1885), be and the same hereby is amended by striking out the word "third," in the sixth (6th) line of said section, and insert in lieu thereof the word "fourth."

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 89.

[S. F. No. 362.]

AN ACT TO AMEND CHAPTER EIGHT (8) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-ONE (1881), ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF COLOGNE, IN CARVER COUNTY AND STATE OF MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That Chapter eight (8) of the Special Laws of Minnesota for eighteen hundred and eighty-one (1881) is hereby amended by adding after section seven (7) a new section, to be known as section eight (8), and which shall read as follows:

"Sec. 8. There shall be an annual election for the election of officers herein provided for, on the second (2d) Tuesday in May of each and every year, and the polls shall be kept open from one (1) o'clock in the afternoon until four (4) o'clock in the afternoon, and ten (10) days' previous notice shall be given by the recorder of the time and place of holding such election and the officers to be elected, by posting notices thereof in three (3) of the most public places in the village. At the said elections the councilors, or any two (2) of them, shall act as judges of election and the recorder shall act as clerk. And in case of inability, or non-attendance of any of said officers, the vacancy shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the judges, and the recorder shall make a true record thereof, and within three (3) days thereafter he shall give notice, in writing, to the persons so elected of their election."

SEC. 2. Section eight (8) of said Chapter eight (8) is hereby re-numbered so as to be section nine (9).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1891.

## CHAPTER 90.

[H. F. No. 137.]

AN ACT TO AUTHORIZE THE VILLAGE OF RENVILLE, IN RENVILLE COUNTY, TO ISSUE BONDS TO PROVIDE FIRE PROTECTION AND TO ESTABLISH AND LAY OUT DRAINS AND SEWERS AND TO PROVIDE WATER SUPPLY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Renville, in Renville county, be and are hereby authorized to issue the bonds of said village as hereinafter prescribed, to provide protection against fire by the purchase, construction or leasing of wells, water mains, reservoirs or other water works, pipes, pumps, tanks, mills or machinery for the proper distribution of water within said village, or the purchase of any kind of apparatus for the extinguishment of fires and for the establishment, opening and laying out drains and sewers therein.

SEC. 2. The voters of said village may, at any regular or special election regularly called, by a vote of the majority of those voting upon the question, determine whether such bonds shall be issued and the amount to be issued. The voters voting at any such election in favor of the issuance of such bonds, shall have written or printed, or partly written and partly printed, on their ballots the words "For issuance of bonds," and those voting against the issuance of bonds shall have written or printed, or partly written and partly printed, on their ballots the words "Against the issuance of bonds," which votes shall be cast and canvassed and the results thereof ascertained and declared in the same manner as votes are cast, canvassed, ascertained and declared in elections of village officers in said village. The question of issuing such bonds, and the amount to be issued at any time, may be submitted at one or more such regular or special elections; *Provided, however*, that bonds shall not be issued by virtue hereof for such purpose for a greater amount than the sum of ten thousand (10,000) dollars in the aggregate.

SEC. 3. If bonds are voted to be issued hereunder, the village council shall determine, by resolution, in what denomination the bonds so voted shall be issued, when, where and how the principal and interest of the same shall be made payable, and the rate of interest they shall draw, such rate not to exceed seven (7) per cent per annum. Such bonds shall be signed by the president of the village council and by the village recorder, and shall not be negotiated at less than par.

SEC. 4. For the purpose of paying the principal and interest of such bonds, the village council of said village of Renville shall levy and report, annually, in like manner as other village taxes are levied and reported, a tax sufficient to meet the amount of maturing interest and principal for the ensuing year.

SEC. 5. This act shall take effect and be in force from and after the date of its passage.

Approved February 16, 1891.

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## CHAPTER 91.

[H. F. No. 90.]

### AN ACT TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF WELLS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the northeast quarter (¼) of the southeast quarter (¼) of section eight (8), in township number one hundred and three (103) north of range twenty-four (24) west of the fifth (5th) principal meridian, and being in the county of Faribault and state of Minnesota, be attached to and embraced within the corporate limits of the village of Wells in the said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1891.

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## CHAPTER 92.

[H. F. No. 99.]

### AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE VILLAGE OF ALEXANDRIA, IN DOUGLAS COUNTY, TO ISSUE BONDS TO FUND THE FLOATING INDEBTEDNESS OF SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the village of Alexandria, in the county of Douglas, state of Minnesota, is hereby authorized and empowered to issue, at any time prior to the first (1st) day of January, in the year of our Lord one thousand eight hundred and ninety-two (1892), the bonds of the said village of Alexandria, to an amount not exceeding six thousand (\$6,000) dollars, with interest coupons attached, for the purpose of funding the floating indebtedness of said village; which bonds, and the proceeds thereof, shall be used for no other purpose whatever.

SEC. 2. The said bonds shall be issued in sums not less than one hundred (\$100) dollars, nor more than one thousand (\$1,000) dollars,

with interest coupons attached, and shall bear interest at a rate not exceeding six (6) per cent per annum, payable annually. The principal shall become due and payable at such time or times as the said common council may by resolution determine, not less than ten (10) years, nor more than twenty (20) years, from the date of issue of said bonds respectively.

SEC. 3. The bonds and interest coupons attached, issued under the provisions of this act, shall be signed by the president of the village, attested by the village recorder, sealed with the seal of the village and be made payable at such place as the common council may determine. The village recorder shall keep a record of all bonds issued under the provisions of this act, and such record shall show the date, number and amount of each bond, its rate of interest, the time when due, the place where payable and the name of the person to whom issued.

SEC. 4. The common council of said village shall annually, after the date of issuance of said bonds, levy a tax upon the taxable property of said village, in addition to all other taxes levied, sufficient to pay the interest accruing yearly upon the bonds issued in pursuance of this act; and shall in due time, in like manner, levy a sufficient amount of taxes to pay the principal sum of said bonds, or any part thereof, when the same shall become due and payable.

SEC. 5. The common council of said village shall have authority to negotiate said bonds, but for not less than their par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 93.

[H. F. No. 216.]

AN ACT TO AUTHORIZE THE VILLAGE OF MORRIS, IN THE COUNTY OF STEVENS, TO ISSUE BONDS OF SAID VILLAGE TO REDEEM AND PAY CERTAIN BONDS THAT MATURED DURING THE YEAR ONE THOUSAND EIGHT HUNDRED AND NINETY (1890), AND TO PAY OUTSTANDING INDEBTEDNESS OF SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION. 1. The village of Morris, in the county of Stevens, is hereby authorized and empowered to issue its bonds to an amount not exceeding six thousand dollars (\$6,000), for the purpose of redeeming and paying the bonds of said village, and to fund the floating indebtedness thereof.

SEC. 2. Said bonds shall be in sums of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), and may be issued with interest coupons attached, and shall bear interest at a rate not exceeding six (6) per centum per annum, payable annually, and the principal at such time or times, not more than fifteen (15) years after the date of said bonds, as the common council of said village shall by resolution determine.

SEC. 3. That the bonds issued under the provisions of this act shall be signed by the president of the common council of said village, and attested by the village recorder; the village recorder of said village shall keep a record of all bonds so issued.

SEC. 4. The common council of said village shall annually, after the date of issuance of said bonds, levy, in addition to all other taxes, an amount sufficient to pay the interest on said bonds as the same matures, and when any principal is about to become due, a sufficient amount to pay such principal when due, which said taxes shall be levied and collected in the same manner as other taxes for village purposes are levied and collected.

SEC. 5. Said bonds shall not be disposed of at less than par value, and the proceeds thereof shall be used to pay the bonds of the said village that matured during the year one thousand eight hundred and ninety (1890), and to pay the outstanding indebtedness of said village, and for no other purpose whatever.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

## CHAPTER 94.

[H. F. No. 402.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE VILLAGE OF WINNEBAGO CITY, FARIBAULT COUNTY, STATE OF MINNESOTA," APPROVED FEBRUARY TWENTY-FOURTH (24TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), BEING CHAPTER SEVEN (7) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section twelve (12) of title three (3) of an act entitled "An act to incorporate the village of Winnebago City, Faribault county, state of Minnesota," approved February twenty-fourth (24th), one thousand eight hundred and seventy-four (1874), being Chapter number seven (7) of the Special Laws of the year one thousand eight hundred and seventy-four (1874), be and the same is hereby amended so as to read as follows:

Sec. 12. All property, real and personal, except such as may be exempt by the general laws of the state, or as is village property, shall be subject to taxation, not exceeding ten (10) mills on the dollar per year, for general expenses. Such property shall also be liable for such special taxes as the common council are hereby authorized to levy.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

## CHAPTER 95.

[H. F. No. 258.]

**AN ACT TO LEGALIZE THE ACTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NEW PRAGUE, IN THE COUNTIES OF SCOTT AND LE SUEUR AND STATE OF MINNESOTA, IN BORROWING MONEY FOR PURPOSE OF ERECTING ENGINE HOUSE AND CITY HALL AND VALIDATE THE EVIDENCE OF INDEBTEDNESS GIVEN THEREFOR.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the action of the village council of the village of New Prague, in the counties of Scott and Le Sueur and state of Minnesota, in borrowing the sum of three thousand (\$3,000) dollars for the purpose, and which has been spent in erection, of an engine house and city hall, is hereby legalized and the note or evidence of indebtedness executed by the members of said council therefor is hereby legalized and declared a valid obligation of said village of New Prague, in said counties and state aforesaid.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved February 19, 1891.

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## CHAPTER 96.

[H. F. No. 212.]

**AN ACT TO AUTHORIZE THE VILLAGE OF GRACEVILLE, BIG STONE COUNTY, MINNESOTA, TO ISSUE BONDS, IN A SUM NOT TO EXCEED TEN THOUSAND (10,000) DOLLARS, TO BORE AN ARTESIAN WELL AND PROVIDE OTHER PROTECTION AGAINST FIRE.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the village of Graceville, in the county of Big Stone, Minnesota, be and the same is hereby authorized to issue bonds, in a sum not to exceed ten thousand dollars (\$10,000), for the purpose of boring an artesian well and to provide other means of protection against fire, by laying water mains and performing other necessary acts, to utilize the water of said artesian well for fire and other purposes, if a sufficient flow of water is obtained; *Provided*, that said bonds, or any of them, shall not be issued until the legal voters shall have authorized the same, as hereinafter provided.

**SEC. 2.** At the next general election hereinafter held in said village, or at a special election called for that purpose, the legal voters of said village may vote for or against the issue of said bonds, and a majority of them voting upon the question shall determine whether said bonds shall be issued or not. Those voting in favor of the issue

of said bonds shall deposit a ballot with the words written or printed, or partly written and partly printed, thereon, as follows: "In favor of the issue of bonds— Yes," and those voting against the issue of said bonds shall deposit a ballot with the words written or printed, or partly written and partly printed, thereon, as follows: "In favor of the issue of bonds—No;" *Provided*, that if said voting shall take place at a general election, the recorder of said village shall give notice that the question of the issue of bonds for the purpose hereinbefore set forth will be voted upon, by posting notices to that effect in at least three (3) public places in said village, in addition to the notices for such general election as now provided by law, at least ten (10) days before said election, and if at a special election, by posting a notice in at least three (3) public places in said village, at least ten (10) days before such election, and by publishing said notice at least twice in a newspaper in said village, said notices to state the time when, and the place where, said election will be held, and the purpose for which such election is called, in all other respects to conform to the laws now in force for holding general or special elections in villages.

SEC. 3. That said bonds shall be issued upon resolution by the council of said village, in the denominations, at such times and to run for such length of time and to be made payable in such place or places as to said council may seem advisable, and shall be signed by the president and countersigned by the recorder of said village; *Provided*, that any of said bonds shall not bear a greater rate of interest than eight (8) per cent per annum, or run for a longer time than twenty (20) years, and shall not be negotiated belowpar.

SEC. 4. For the purpose of paying the principal and interest of said bonds, the village council of said village shall levy and report annually, in like manner as other village taxes are levied and reported, a tax sufficient to meet the amount of maturing interest and principal for the ensuing year.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

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## CHAPTER 97.

[H. F. No. 1034.]

AN ACT TO AMEND THE VILLAGE CHARTER OF THE VILLAGE OF  
LYLE, MOWER COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section four (4) of chapter one (1) of said charter of said village of Lyle be and the same is hereby amended by striking out the words "third (3d) Monday in May," where they occur in said section, and inserting in lieu thereof the words "last Monday in April."

SEC. 2. That section nine (9) of chapter four (4) of the said charter of the said village of Lyle be and the same is hereby amended by striking out the words "five (5) mills," where they occur in said section, and inserting in lieu thereof "twenty (20) mills."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1891.

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## CHAPTER 98.

[H. F. No. 989.]

AN ACT TO EXTEND THE MUNICIPAL LIMITS OF THE VILLAGE OF PAYNESVILLE, STEARNS COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the municipal limits of the village of Paynesville, Stearns county, Minnesota, be and the same hereby are extended so as to take in and include within the limits of said village the southwest quarter ( $\frac{1}{4}$ ) of section sixteen (16) and the southeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section seventeen (17), township one hundred and twenty-two (122) north of range thirty-two (32) west, Stearns county, Minnesota, and that said territory shall henceforth be a part of said village of Paynesville.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 99.

[H. F. No. 202.]

AN ACT AUTHORIZING THE VILLAGE OF TRACY, IN LYON COUNTY, MINNESOTA, TO ISSUE ITS BONDS FOR THE CONSTRUCTION OF WATER WORKS, DRAINS, SEWERS AND FIRE PROTECTION AND THE ACQUIREMENT OF FIRE APPARATUS AND OTHER LOCAL IMPROVEMENTS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That for the purpose of defraying the cost and expense of constructing water works, drains, sewers and fire protection and the acquirement of fire apparatus and for the purpose of defraying the cost and expense of making such other local improvements as may from time to time hereafter be determined by resolution of the village council of the village of Tracy, Lyon county, Minnesota, the said village council is hereby authorized to issue bonds, to be called



"Village of Tracy Improvement Bonds," to an amount not exceeding forty thousand (\$40,000) dollars, in denominations of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), bearing interest at a rate not exceeding six (6) per cent per annum, the principal of said bonds to mature at such time or times as may in each case be determined by said village council; but no such bond shall run for more than twenty (20) years. The several installments of interest upon any such bonds shall be evidenced by coupons thereto attached, and such bonds and coupons shall be signed by the president and recorder of said village of Tracy, and such bonds shall be sealed with the corporate seal thereof. No such bonds shall be sold, or in any manner disposed of or negotiated, by said village or said council at less than their par value.

*Provided*, that no such bonds shall be issued until the legal voters of said village of Tracy shall, in the manner hereinafter provided, determine that the same be issued.

*Provided further*, that the provisions of this act shall not apply to the construction of any railroad.

SEC. 2. Whenever the said village council shall determine to expend any money for the purposes mentioned in the title of this act and issue any such bonds, it shall adopt and enter upon its records a resolution setting forth the purpose for which such bonds are to be issued, the amount and denomination of such bonds to be issued, the rate of interest thereon and when payable, the time or times when the principal of such bonds will become due and payable, the place where such bonds and interest are to be made payable, and all other conditions of the issue of such bonds; and shall also determine the time when the question of the approval or rejection of such resolution, and the issuing of such bonds, will be submitted to the legal voters of said village for their determination; and such question shall be submitted at any general election or annual election held in said village not less than twenty (20) days after the adoption of said resolution by said village council, or at any regularly called special election. And thereupon the recorder of said village shall cause a copy of such resolution, together with a notice of the time and place of holding the election at which the question of the approval or rejection of such resolution and of the issuing of such bonds will be submitted to the legal voters of said village of Tracy for their approval or rejection, to be published in two (2) successive issues of the official paper of said village, the last of which publications shall be at least ten (10) days prior to the day of such election. The voters at any such election casting their ballots in favor of the approval of any such resolution and the issuing of any such bonds, shall use ballots having distinctly printed or written, or partly printed and partly written, thereon, the words, "For approval of the resolution of the village council of the village of Tracy, dated (here state the date of the resolution), authorizing the issue of the bonds of said village for (here state object for which the bonds are to be issued), and for issuing such bonds—Yes." And those casting their ballots against the approval of any such resolution and the issuing of any such bonds, shall use ballots having distinctly printed or written, or partly printed and partly written, thereon, the words, "For approval of the resolution of the village council of the village of Tracy, dated (here state the date of the resolution), authorizing the issue of the bonds of said village for (here state object

for which the bonds are to be issued), and for issuing such bonds—No.” If the majority of the votes cast at any such election shall be in favor of the approval of such resolution and the issuing of such bonds, then said village council may issue such bonds in the amount and upon the terms and conditions in such resolution specified; *Provided*, that if the majority of such votes shall be against the approval of such resolution and the issuing of such bonds, the same, or any other resolution for the issuing of any amount of such bonds for the purpose of defraying the cost and expense of any improvement in such defeated resolution specified, may, at any time after the expiration of six (6) months, be submitted, in the manner herein provided, to the legal voters of said village, for their approval or rejection.

The votes cast at any election under the provisions of this act shall be canvassed and returned in the same manner prescribed by law for the canvassing and returning of the votes cast for village officers in said village.

SEC. 3. The village council of said village may from time to time adopt resolutions for the issuance of bonds as may be needed for the purposes mentioned in the title of this act, and such resolutions may from time to time be submitted, as herein provided, to the legal voters of said village, for their approval or rejection.

SEC. 4. For the purpose of paying the principal and interest of any and all bonds issued under the provisions of this act, it is hereby made the duty of the village council of said village, on or before the first (1st) day of September next after the date of any such bonds, and on or before the first (1st) day of September in each and every year thereafter, until the payment of said bonds, both principal and interest, is fully made, to levy, and, in due form of law, certify, to the county auditor of Lyon county a tax upon the taxable property of said village equal to the amount of principal and interest of such bonds maturing within the year next after such levy, and, in the discretion of said council, such further sums as it may deem expedient, not exceeding fifteen (15) per cent of such maturing principal and interest, which tax shall constitute a fund for the payment of such bonds and the interest thereon, and no part thereof shall be applied or appropriated to any other purpose whatever until said bonds and interest are fully paid.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

## CHAPTER 100.

[S. F. No. 592.]

AN ACT TO AMEND "AN ACT TO REDUCE, ADD TO, AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF ST. PETER, INCLUDING THEREIN THE REORGANIZATION OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1) IN SAID CITY," APPROVED MARCH SIXTH (6TH), A. D. ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE (1891).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section twenty-six (26) of chapter six (6) of said act be and the same is hereby amended so as to read as follows:

Sec. 26. *Repair of Sidewalks.*—If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the common council the cost of such repairs in each case and the description of the lot or parcel of land abutting where such repairs are made, and such report shall be carefully filed and preserved by the city clerk; and the common council shall, once in each year, at, or as near as conveniently may be, the time of levying the city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by the street commissioner, the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one (1) assessment roll and be collected as provided for in this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1891.

## CHAPTER 101.

[S. F. No. 405.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE VILLAGE OF RED LAKE FALLS, IN POLK COUNTY."

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That subdivision fifteen (15) of section two (2) of chapter three (3) of the act of the legislature of this state, entitled "An act to incorporate the village of Red Lake Falls, in Polk county," approved February twenty-eighth (28th), A. D. one thousand eight hundred and eighty-one (1881), be amended so as to read as follows:

To license, regulate and control all porters, dray or cartmen, hack or cabmen, stages or omnibuses for the transportation of passengers within the village, to fix their rates of compensation and to require them to have licenses, and prescribe the amount to be paid therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 102.

[S. F. No. 536.]

AN ACT TO AMEND SECTIONS TWO (2), THREE (3) AND TWELVE (12) OF CHAPTER SIXTY-SIX (66) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-ONE (1881), IT BEING AN ACT TO REDUCE THE LAW INCORPORATING THE VILLAGE OF KASSON, IN THE COUNTY OF DODGE AND THE STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THERETO, INTO ONE (1) ACT AND TO AMEND THE SAME AND TO ATTACH CERTAIN TERRITORY FOR SCHOOL PURPOSES AND FOR THE ESTABLISHMENT AND REGULATION OF THE PUBLIC SCHOOLS THEREIN.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2) of Chapter sixty-six (66) of the Special Laws of eighteen hundred and eighty-one (1881) be and the same is hereby amended by inserting after the word treasurer in the second (2d) line thereof, the words "one (1) street commissioner."

SEC. 2. That section three (3) of said chapter sixty-six (66) be and the same hereby is amended by inserting after the word recorder, in the ninth (9th) line thereof, the words "street commissioner."

SEC. 3. That section twelve (12) of said chapter sixty-six (66) be and the same hereby is amended by striking out all after the word village in the third (3d) line to and including the word resolution in the eleventh (11th) line thereof, and by striking out the word "him," in the eleventh (11th) line thereof, and inserting in lieu thereof the words "the street commissioner."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

## CHAPTER 103.

[H. F. No. 17.]

AN ACT TO AUTHORIZE THE VILLAGE OF TWO HARBORS, IN THE COUNTY OF LAKE AND STATE OF MINNESOTA, TO CONSTRUCT AND MAINTAIN WATER WORKS AND TO ISSUE BONDS TO PAY FOR THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That for the purpose of defraying the cost and expense of constructing water works for the village of Two Harbors, in the county of Lake, and for the purpose of defraying the cost and expense of acquiring such property as may be necessary for such construction, the village of Two Harbors is hereby authorized and empowered to issue its bonds, to be called "Village of Two Harbors Water Works Bonds," to an amount not exceeding ten thousand (10,000) dollars, in denominations of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars, bearing interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, the principal of said bonds to mature and become payable in fifteen (15) years from the date thereof; the several installments of interest accruing upon such bonds shall be evidenced by coupons thereto attached, and such bonds and coupons shall be signed by the president of said village and attested by the recorder of said village.

No such bonds shall be sold, or in any manner disposed of, by said village or by said board of trustees, at less than their par value, nor shall such bonds be issued until a majority of the legal voters of said village, present and voting at any annual or special election of said village, shall, in the manner hereafter provided, authorize and determine that the same shall be issued.

SEC. 2. Whenever said board of trustees shall determine to issue any such bonds, it shall adopt, and enter upon its records, a resolution setting forth the purpose for which such bonds are to be issued, the number and denomination of such bonds to be issued, the rate of interest thereon and how payable, the time or times when the principal of such bonds will become due and payable, and shall also determine the time when the question of the approval or rejection of such resolution and of the issuing of such bonds will be submitted to the legal voters of said village for their determination, and shall, if the question of the issuing of such bonds is not submitted at the annual village election of said village, order a special election to be held within said village, upon a day to be designated in such resolution, for the purpose of submitting such a question to such voters; and thereupon the village recorder of said village shall cause a copy of such resolution, together with a notice of the time and place of holding such election, and the question to be submitted and voted upon at such election, to be posted up in at least three (3) public and conspicuous places in said village at least ten (10) days prior to the day of voting at such election.

SEC. 3. The voters at any such election voting in favor of the approval of such resolution and the issuing of such bonds shall use printed or written, or partly printed and partly written, ballots, which shall read as follows: "For the approval of the resolution of the board of trustees authorizing the issue and sale of the bonds of the village of Two Harbors, in the sum of ..... for the construction of water works in said village—Yes;" and those voting against the approval of such resolution and the issuing of such bonds shall use printed or written, or partly printed and partly written, ballots, which shall read as follows: "For the approval of the resolution of the board of trustees authorizing the issue and sale of bonds of the village of Two Harbors, in the sum of ..... for the construction of water works in said village—No." If a majority of the votes cast at any such election shall be in favor of the approval of such resolution and the issuing of such bonds, then said board of trustees may issue such bonds, in the amount and upon the terms and conditions in such resolution specified. If a majority of such votes shall be against such approval and issuing such bonds, then said board of trustees shall not issue such bonds; *Provided, however*, that if a majority of such votes shall be against the approval of such resolution and the issuing of such bonds, the same, or another, resolution authorizing the issue of the bonds for the purpose herein specified, may at any time after the expiration of six (6) months be again submitted to a vote of the legal voters of said village in the manner herein provided.

SEC. 4. The board of trustees of said village shall make provisions, by the levying of taxes, for the payment of such bonds and interest as they shall mature.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

## CHAPTER 104.

[H. F. No. 44.]

AN ACT PROVIDING FOR THE HOLDING OF THE VILLAGE ELECTION OF THE VILLAGE OF VESELI, IN THE COUNTY OF RICE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the annual election of village officers of the village of Veseli, in the county of Rice, shall hereafter be held on the second (2d) Tuesday of April of each year, instead of second (2d) Tuesday of March.

SEC. 2. All acts or parts of acts, so far as inconsistent herewith, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 105.

[S. F. No. 516.]

AN ACT AMENDING AN ACT TO AMEND THE CHARTER OF THE CITY OF WABASHA, APPROVED MARCH TWENTY-FIRST (21ST), EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That subdivision first (1st) of section five (5) of chapter five (5) of an act entitled "An act to amend the charter of the city of Wabasha," approved March twenty-first (21st), eighteen hundred and eighty-nine (1889), the same being Chapter thirteen (13) of Special Laws of eighteen hundred and eighty-nine (1889), be and the same is hereby amended by striking therefrom the following words, viz.: "That all licenses, except for exhibitions, caravans, circuses, menageries, concerts and theatrical performances, shall extend to and expire on the first (1st) Monday of July next following the issuing of the same; *And provided further*"

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 106.

[S. F. No. 528.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section eight (8) of chapter four (4) of an act entitled "An act to amend the charter of the city of Winona," approved February twenty-first (21st), eighteen hundred and eighty-seven (1887), be amended so as to read as follows:

Sec. 8. At its meeting to be held on the third (3d) Monday in April, in the year eighteen hundred and eighty-seven (1887), and on that day annually thereafter, the council shall select one (1) daily or weekly newspaper, printed in the English language, and, at the discretion of said council, one (1) daily or weekly newspaper, printed in the German language, which paper or papers shall have been published in said city for at least six (6) months immediately previous to said meeting, as the official newspaper or newspapers of said city for the period of one (1) year, then beginning, in which shall be published all ordinances, all resolutions, all official notices, and all reports, proceedings of the city council, and other city matter required by this act or other act of the legislature to be published, or of which publication may at any time be ordered by the city council.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

## CHAPTER 107.

[S. F. No. 309.]

AN ACT TO ANNEX THE VILLAGE OF MORITZIOUS, IN THE COUNTY OF WRIGHT, TO THE VILLAGE OF MONTICELLO, IN SAID COUNTY OF WRIGHT, STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village of Moritzious, in the county of Wright, be and the same is hereby annexed to and merged in and made a part of the village of Monticello, in said county; and the territory heretofore and now embraced in the corporate limits of said village of Moritzious shall hereafter be attached to, and be a part and portion of, the corporate territory of said village of Monticello.

SEC. 2. The said village of Monticello shall succeed to, all and singular, all the property, rights and liabilities of said village of Moritzious, and the several officers, and each and every of them, in and for said village of Moritzious, shall forthwith, after the passage and approval of this act, turn over and surrender up to the corresponding officers of said village of Monticello, all and singular, the money, property, records, books and papers of and belonging to said village of Moritzious.

SEC. 3. The territory hereby added to said village of Monticello shall hereafter be subject to and under the jurisdiction, laws and ordinances now or hereafter in force in said village of Monticello, in like manner as the territory heretofore and now embraced in the corporate limits of said village; but the laws and ordinances of said village of Moritzious shall remain in force in respect to all past transactions; and all violations of said laws and ordinances, prior to the taking effect of this act, may be punished in the same way and to the same extent as if this act had never become a law.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1891.

## CHAPTER 108.

[H. F. No. 669.]

AN ACT TO LEGALIZE CERTAIN AMENDMENTS TO THE PLAT OF BRIDGMAN, IN MILLE LACS COUNTY, TO LEGALIZE SAID PLAT AS AMENDED AND CERTAIN CONVEYANCES AND THE RECORD THEREOF RELATING TO SUCH PLAT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the action of Charles Keith, surveyor, in amending the plat of Bridgman, in Mille Lacs county, and the amendments



and additions by him thereon noted and indorsed and duly acknowledged under date of February twenty-seventh (27th), eighteen hundred and ninety-one (1891), together with the monument and width of avenue by him established and indicated by said amendments and additions, is hereby legalized and made valid for all purposes; and said monument is hereby declared to be the true monument from which future surveys of said Bridgman shall be made; and said width of avenue is hereby declared to be the true width of said avenue; and the plat of said Bridgman, as so amended and filed February twenty-seventh (27th), eighteen hundred and ninety-one (1891), in the registry of deeds of Mille Lacs county, is hereby legalized and made valid and effectual for all purposes; and all conveyances relating to said plat heretofore executed, and the record of the same when recorded, if good and sufficient in other respects, are hereby legalized and the same shall be valid, legal and effectual to all intents and purposes for which the same were severally executed, as though said plat had been sufficient prior to said amendments; *Provided*, that nothing herein contained shall take from any person, company or corporation any vested right whatever, or any estate in or to said Bridgman or any part thereof, except such person, company or corporation as made a voluntary attempt in writing, duly executed, to dispose of the same, or due process of law heretofore had and taken to that end.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 109.

[H. F. No. 193.]

### AN ACT TO MAKE THE VILLAGE OF FRANCONIA, IN CHISAGO COUNTY, A SEPARATE ELECTION DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village of Franconia, in Chisago county, is hereby made an election district separate and distinct from the townships of Franconia and Shafer, in said county, for all purposes under the election laws of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 110.

[H. F. No. 762.]

AN ACT TO AMEND SECTION TWENTY (20) OF CHAPTER SEVENTEEN (17) OF THE SPECIAL LAWS OF MINNESOTA OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), THE SAME BEING "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF TOWER."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section twenty (20) of Chapter seventeen (17) of the Special Laws of the year eighteen hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

Sec. 20. *Title to Real Estate—Equitable Issue.*—In case it shall appear from the pleadings or upon the trial of any civil action that the title to real estate is involved in the action, or that the issues of the action are of a purely equitable nature, the municipal court shall not proceed further therein, but shall transfer the action to the district court of said county, and the case shall be proceeded with in said district court as if originally commenced therein.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 111.

[H. F. No. 883.]

AN ACT TO AMEND CHAPTER ELEVEN (11) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), BEING AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF BRAINERD, COUNTY OF CROW WING, STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE (1) ACT, AND TO AMEND THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section four (4) of Chapter eleven (11) of the Special Laws of eighteen hundred and eighty-nine (1889) is hereby amended so as to read as follows:

"There shall be an election by the qualified electors of said city, for all elective officers hereinafter provided for, held on the first (1st) Tuesday in May, A. D. eighteen hundred and ninety-one (1891), at such place or places in each ward as may be established by resolution or ordinance of the council, and the term of office of all officers elected at such election shall commence on the second (2d) Tuesday in May, eighteen hundred and eighty-nine (1889)."

SEC. 2. Section five (5) of said Chapter eleven (11) is hereby amended so as to read as follows:

"The elective officers of said city shall be a mayor, a treasurer and a city assessor, who shall be resident freeholders and qualified electors of said city, and who shall have resided therein for a period of one (1) year next preceding their election; a municipal judge and a special municipal judge, who shall be persons learned in the law and duly admitted to practice in the courts of this state, and be qualified electors of Crow Wing county, and two (2) aldermen in each ward, to be voted for by the qualified electors of their respective wards; all aldermen shall be resident freeholders and qualified electors of their respective wards and shall have resided in said city for the period of one (1) year next preceding their election.

"All other officers necessary for the proper management of the affairs of said city, and not otherwise provided for in this act, shall be appointed by the city council. The appointment of such officers shall be determined by ballot, and it shall require the concurrence of a majority of all the members of the city council present to appoint such officers."

SEC. 3. Section six (6) of said chapter eleven (11) is hereby amended so as to read as follows:

"All officers of said city elected on the first (1st) Tuesday in May, eighteen hundred and ninety-one (1891), and all officers thereafter appointed, whose terms of office would otherwise expire on the second (2d) Tuesday in May, eighteen hundred and ninety-two (1892), shall hold and continue in said offices respectively until the second (2d) Tuesday after the first (1st) Monday in November, eighteen hundred and ninety-two (1892), and until their successors are elected and qualified.

"There shall be no election for the elective officers of said city, after the election on the first (1st) Tuesday in May, eighteen hundred and ninety-one (1891), as provided in section one (1) of this act, until the first (1st) Tuesday after the first (1st) Monday in November, eighteen hundred and ninety-two (1892), at which time there shall be an election, by the qualified electors of said city, for all the elective officers hereinbefore provided for, at such place or places in each ward as may be established by ordinance or resolution of the council; and thereafter there shall be an election, by said qualified electors, for all said elective officers of the first (1st) Tuesday after the first (1st) Monday in November in each even numbered year, and said election, together with the election to be held on the first (1st) Tuesday in May, eighteen hundred and ninety-one (1891), as hereinbefore provided, shall be known and hereinafter designated in this act as 'the city election,' and wherever in said chapter eleven (11) the words 'annual election,' or 'annual city election,' occur, the same shall be read and construed to mean 'the city election,' as aforesaid."

SEC. 4. Section fourteen (14) of said Chapter eleven (11) is hereby amended so as to read as follows:

"The term of office of the assessor of said city heretofore appointed by the city council shall terminate on the passage of this act, and all the duties hereafter to be performed by the assessor shall be performed by the person elected under the provisions of this act. The term of office of every officer elected under this act, unless herein otherwise provided for, shall commence on the second (2d) Tuesday after the

first (1st) Monday in November next succeeding the day of his election, and shall continue for the period herein specified and until his successor is elected and qualified."

SEC. 5. Section eighteen (18) of said Chapter eleven (11) is hereby amended by striking out the words "in each year," in the first line of said section.

SEC. 6. Section nineteen (19) of said Chapter eleven (11) is hereby amended by striking out the words "first (1st) Tuesday in May," wherever the same may occur, and by inserting in lieu thereof the words "first Tuesday after the first (1st) Monday in November."

SEC. 7. Section thirty (30) of said Chapter eleven (11) is hereby amended by striking out the words and figure "one (1) year," wherever the same may occur, and by inserting in lieu thereof the words and figure "two (2) years."

SEC. 8. Section forty-eight (48) of said Chapter eleven (11) is hereby amended by striking out the first (1st) sentence of said section.

SEC. 9. Section fifty-seven (57) of said Chapter eleven (11) is hereby amended by inserting after the words and figures "eighteen hundred and eighty-nine (1889)," where the same occur, the words "or as soon thereafter as may be."

SEC. 10. Section ninety-eight (98) of said Chapter eleven (11) is hereby amended by striking out the words "first (1st) meeting after each annual election," where the same occur in the first (1st) and second (2d) lines of said section, and by inserting in lieu thereof the words "second (2d) regular meeting in May of each year."

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 7, 1891.

## CHAPTER 112.

[H. F. No. 19.]

AN ACT TO AMEND "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF TOWER," BEING CHAPTER SEVENTEEN (17) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section six (6) of Chapter seventeen (17) of the Special Laws of the state of Minnesota of the year eighteen hundred and eighty-nine (1889), be and hereby is amended so as to read as follows:

Sec. 6. *Powers of Court—Process—Forms.*—The municipal court shall have full power and authority to issue all process, civil and criminal, except summons in civil action, necessary or proper to carry into effect the jurisdiction given it by law and its judgments and other determinations; and it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications by the statutes of this state applicable to courts of record, except that

it shall not have jurisdiction to issue writs of *habeas corpus*, *quo warranto*, *ne exeat*, *mandamus*, prohibition or injunction. All process, except summons, shall be tested in the name of the judge and issued under the seal of the court and signed by the judge or clerk. The summons shall run in the name of the state of Minnesota, and must be subscribed by the plaintiff or his attorney and directed to the defendant, requiring him to appear on the first (1st) day of any regular term of said court, which day shall be specified therein. Such summons shall state the amount claimed by the plaintiff in his complaint, and may be served by any police officer of the city of Tower, the sheriff of said county or any constable of said county or city, and may be served the same as in district court, and service by publication may be ordered and made in the same cases and in the same manner as in the district court; *Provided*, that the period of publication shall be only four (4) weeks.

All the forms of process, except as otherwise provided for in this act, may be prescribed by the court by rule, and such forms may be changed by the court from time to time. In the absence of such prescribed forms, the forms in use, either in courts of record in this state or by justices of the peace, may be changed and adapted to the style of this court and used in the discretion of the court.

SEC. 2. That section nine (9) of said chapter be and is hereby amended so as to read as follows:

Sec. 9. *Terms—Summons and Service and Return—Pleadings, etc.*—The municipal court shall hold regular terms for the trial of civil actions on Tuesday of each week at ten (10) o'clock in the forenoon, which term shall continue from day today, with such adjournments as the judge may deem proper, until the business of each term shall be finished. All civil actions shall be commenced by summons. The summons shall be served upon the defendant at least six (6) days before the term at which the same is returnable. No summons shall be issued until the complaint in the action shall be filed with the court. The complaint shall be presented in writing and filed with the judge or clerk. If the defendant fails to appear at the opening of the court on the day at which the summons is returnable, he shall be defaulted; if he so appear, he shall then, or within three (3) days thereafter, answer the plaintiff's complaint, and if the answer contain a counter claim, the plaintiff may reply thereto on or before the first (1st) day of the next general term of said court; the answer or reply must be presented in writing and filed with the judge or clerk. All pleadings shall be verified by the party, or his agent or attorney, as in courts of justice of the peace. Counter claims may be such as could be interposed in district or justice court; either party may demur to any pleading of his adversary as in district court; but all pleadings in this court shall be construed liberally, and the court may for cause, in its discretion, and on such terms as may be just, open any default within three (3) months after the same is made, and may allow any amendment of any pleading at any time, and shall disregard variances between the allegations of any pleading and the evidence, unless the variance is such that the adverse party is prejudiced thereby. Either party shall be entitled to a continuance of any civil action (except actions for forcible entry and unlawful detainer) until the next term of the court following the term at which the summons is returnable, and further continuances may be granted for sufficient cause shown and on such terms as may be just. Said court shall have

authority to require that the plaintiff in any civil action shall, by bond, recognizance or deposit of money, give security for costs, in such sum as may be sufficient to cover the probable costs of the action, before any summons or other process shall issue in the action, or at any other time. Costs shall be allowed to the prevailing party in actions commenced in said court as follows:

To the plaintiff, upon a judgment of fifty (50) dollars or over, or in actions of replevin, when the value of the property is fifty (50) dollars or over, five (5) dollars.

To the defendant, when the amount claimed in the complaint is fifty (50) dollars or over, when judgment is rendered in his favor, five (5) dollars, and upon determination of demurrer on motion to the prevailing party, such sum as the court may order, not exceeding five (5) dollars.

Costs and disbursements shall be taxed and allowed on two (2) days' notice and inserted in the entry of judgment. The disbursements shall be stated in detail and the statement sworn to and filed. The party objecting to any item shall specify, in writing, the grounds of objection, and the same in case of appeal shall be certified to the court and the appeal shall be heard and determined upon the objection so certified and none other.

SEC. 3. That section ten (10) of said chapter be and hereby is amended so as to read as follows:

Sec. 10. *Attachment.*—Any creditor desiring to proceed by attachment in said court, may, at the time of commencing the action, or thereafter, while the action is still pending, by himself, his agent or attorney, make and file an affidavit similar to the affidavit required by law in an application for a writ of attachment in justice courts, and also cause to be filed a bond, with sufficient surety, to be approved by the judge or clerk, and similar to the bond required on a like application in justice court, except that the limit of the liability therein shall not exceed two hundred and fifty (250) dollars.

The service of the writ and subsequent proceedings shall be similar, as near as may be, to the service of such writs and proceedings in justice courts. Writs of attachments may be vacated by the judge, upon proper showing, the same as in district courts of this state.

Whenever on the return of a writ of attachment the return of the officer shall show that personal property of the defendant has been attached by virtue thereof and that the defendant cannot be found within the territorial jurisdiction of said court, and the plaintiff, his agent or attorney, shall make and file an affidavit to the effect that the defendant is a resident of this state, but that he resides outside the territorial jurisdiction of said court (naming his place of residence), thereupon the judge of said court, upon motion of the plaintiff, his agent or attorney, shall make an order reciting the alleged facts and directing that a summons and copy of such order shall be served on the defendant anywhere within this state; the judge shall then continue such action till the return day named in such summons. The summons and copy of such order shall be served on the defendant, at least eight (8) days before the return day named in such summons, at any place within the state of Minnesota, by any proper officer or indifferent person.

SEC. 4. That section eleven (11) of said chapter be and hereby is amended so as to read as follows:

Sec. 11. *Replevin*.—When the object of the action is to recover the possession of personal property, the plaintiff, his agent or attorney, shall make and file an affidavit similar to the affidavit required in justice court in a like action. The plaintiff, or some one in his behalf, shall execute a bond, with sureties, to be approved by the judge or clerk, conditioned similar to bonds in such actions in justice courts, and file such bond; and an action may be maintained on such bond as on similar bonds filed in like actions in justice courts, not exceeding in amount six hundred (600) dollars.

The writ and proceedings thereunder shall be executed (except as to the time and forms of trial) in the same manner as in justice courts, but the officer executing the writ shall retain the property taken under it in his own custody for three (3) days before delivering the same to the plaintiff; and if, within that time, the defendant, or some one in his behalf, shall execute to the plaintiff a sufficient bond, with one (1) or more sureties, to be approved by the judge, conditioned as in like cases in district court, and file such bond, the court shall thereupon issue an order to the officer to deliver such property to the defendant.

SEC. 5. That section fifteen (15) of said chapter be and hereby is amended so as to read as follows:

Sec. 15. *Judgments—Transcripts—Executions*.—No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court as hereinafter provided; but writs of execution thereon in civil actions may issue against the goods and chattels of the judgment debtor, returnable within thirty (30) days. Judgments may be stayed in this court the same as in justice courts. Every person in whose favor a judgment is rendered in said municipal court, for an amount exceeding ten (10) dollars, may, upon paying the fee therefor and all unpaid fees payable in such action, demand, and shall receive, a transcript of such judgment duly certified, and may file the same in the office of the clerk of the district court of said county of St. Louis, who shall file and docket the same as in cases of transcripts of judgments from courts of justices of the peace; and every such judgment shall become a lien on the real estate of the debtor from the time of filing such transcript to the same extent as a judgment of said district court, and shall thereafter be exclusively under the control of said district court and carried into execution by its process as if rendered in said district court, whether execution was issued out of said municipal court or not. No such transcript shall be issued while a writ of execution is outstanding in the hands of an officer or otherwise, and a statement shall be made in the record of such judgment that such transcript has been issued, giving the date on which it was issued, and thereafter no writ of execution shall be issued out of said municipal court on such judgment; but in case of the loss of the transcript first issued, a new transcript of such judgment may be issued.

SEC. 6. That section sixteen (16) of said chapter be and hereby is amended so as to read as follows:

Sec. 16. *Garnishment*.—Proceedings against garnishees may be instituted in the same manner as in justice courts, except that the summons shall be signed by the plaintiff or his attorney, the same as summons in civil actions, and may be served in the same manner as in the district court, either by any proper officer or indifferent person,

at any place within the state of Minnesota; and the summons may be returnable at any term of said municipal court held not less than six (6) days after such service, and the notice required to be served on the defendant in the action shall be signed either by the person who served the garnishee summons or by the plaintiff or his attorney, and said notice, together with a copy of the summons, shall be served in the same manner as in district court. The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court. Whenever on the return day of the summons, in an action in which the garnishee summons has been issued and served and property of the defendant has thereby been attached in the hands of the garnishee, it shall appear from the return thereon that the defendant cannot be found within the territorial jurisdiction of the court, and the plaintiff, his agent or attorney, shall make an affidavit that such defendant is a resident of the state of Minnesota, but resides outside of the territorial jurisdiction of this court, then the judge, upon motion of the plaintiff, his agent or attorney, shall make an order reciting the alleged facts, and directing that the summons in said action, together with a notice to the defendant (stating the time and place at which the garnishee disclosure will be made), and a copy of such order shall be served on the defendant anywhere within this state. The judge shall then continue such action and all proceedings therein (including the disclosure of the garnishee) till the return day named in such summons.

The summons, notice to the defendant and a copy of such orders shall be served on the defendant at least eight (8) days before the return day named in said summons, at any place within the state of Minnesota, by any proper officer or indifferent person.

SEC. 7. That section eighteen (18) of said chapter be and the same hereby is amended so as to read as follows:

Sec. 18. *Salary of Judge and Clerk—Powers of Officers.*—The judge of said court shall receive a salary of one thousand (1,000) dollars per year, and the clerk of said court shall receive such compensation as the city council of said city shall by resolution allow, payable from the city treasury of Tower, in monthly installments. Neither said judge nor clerk shall receive any other compensation for his services; but in all proceedings had in said municipal court fees shall be charged and collected by the judge or clerk, equal to three-fourths ( $\frac{3}{4}$ ) of the fees allowed by law to justices of the peace for similar services in proceedings and trials before them.

Police officers of said city are hereby vested with all the powers of constables under the statutes of Minnesota, as well as at common law, and police officers in making service of any process or doing other duty in causes in said court, shall note and return to the court for collection the same fees that are allowed to constables for like services; and all fees, whether so charged by the judge or clerk or any police officer, whether due from the county in preliminary examinations or otherwise, shall be collected by the judge or clerk as costs and accounted for and paid over to the treasurer of said city. The plaintiff upon filing his complaint in civil actions shall pay to the judge or clerk of said court one (1) dollar for each one hundred (100) dollars or fraction thereof claimed in the complaint.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall be in force from and after its passage.

Approved January 29, 1891.



## CHAPTER 113.

[H. F. No. 6.]

AN ACT TO AUTHORIZE THE CITY OF WINONA TO CONSTRUCT, OPERATE AND MAINTAIN A BRIDGE ACROSS THE MISSISSIPPI RIVER AT WINONA, MINNESOTA, AND AUTHORIZING SAID CITY OF WINONA TO ISSUE BONDS FOR THE CONSTRUCTION OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of Winona, in the state of Minnesota, is hereby authorized and empowered to erect, establish and maintain, or authorize the erection, establishment and maintenance of, a foot and carriage bridge across the Mississippi river, at a point suitable to the interests of navigation, from the city of Winona, state of Minnesota, so as to connect with the opposite shore of said river in the state of Wisconsin.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the city of Winona, building the same, be built as a draw-bridge or with unbroken and continuous spans; *Provided*, that if the said bridge shall be built with unbroken and continuous spans it shall have at least one (1) channel span, giving a clear head room of not less than fifty-five (55) feet above high water mark, and a clear width of waterway of not less than three hundred and fifty (350) feet, and the clear head room, under other than channel spans, may be reduced to ten (10) feet above high water, if the interests of navigation be not affected thereby, and the piers of said bridge shall be parallel with the currents of said river; *Provided*, that if said bridge be located in the immediate vicinity of the existing railroad bridge, the length of spans required by this act may be so modified as to make clear channel ways to correspond in length and location with the clear channel ways of said existing bridge.

SEC. 3. That the said city of Winona, through its council, may determine and decide that such bridge shall be used, operated and maintained with or without cost to the traveling public or to persons crossing the same or for property conveyed across the same; and should it decide to charge toll therefor, it may, by resolution, control, fix and regulate the rates or charges for toll upon said bridge.

SEC. 4. The city council of said city is hereby authorized, by ordinance, to provide regulations for the general management of said bridge.

SEC. 5. That the city council of the city of Winona is hereby authorized and empowered, by a vote of a majority of its members, to issue the bonds of said city, with coupons attached, to the amount of one hundred thousand dollars (\$100,000), or so much thereof as said council may deem necessary, for the purpose of constructing the bridge mentioned in this act, and its approaches, and for the purpose of condemning property and acquiring title thereto for the purpose of said bridge and its approaches, and for the purpose of doing all things necessary to the proper construction, establishment and completion of said bridge.

SEC. 6. The said bonds shall be of the denomination of one thousand dollars (\$1,000) each, and shall be payable at such times, within fifty (50) years from the date of their issue, as the city council may designate, subject to the provisions of the charter of said city of Winona respecting the amount which shall be made payable in any one (1) year. Said bonds shall be drawn payable to bearer, or to the order of the person or corporation to whom they may be delivered, as the city council may deem best, shall draw interest, payable annually, at such place as the city council may determine, at a rate not exceeding five (5) per cent per annum, to be represented by coupons attached to said bonds. Said bonds shall be signed by the mayor and attested by the recorder of said city of Winona, and the corporate seal of said city shall be imprinted upon said bonds, and said coupons shall be signed by said recorder, and the principal of said bonds shall be made payable at such place as the city council may determine.

SEC. 7. The city council of the city of Winona shall have the supervision of the construction of said bridge, and the city council of said city is hereby authorized and empowered, and shall make provision, by levying of taxes, for the payment of the principal and interest of the bonds issued under and by virtue of the authority and power granted by this act, as the same may become due.

SEC. 8. The said city of Winona is hereby authorized and empowered to construct the approaches to said bridge, and all necessary piers, supports and trestle works for the same, on, over or across any public street, alley or the public levee grounds in said city, as the city council may determine. The damages to abutting property owners to be determined as provided by chapter eight (8) of the charter of said city of Winona.

SEC. 9. That said city of Winona, by and through its said council, is hereby authorized and empowered to condemn any property necessary to be taken for the purpose of constructing said bridge and its approaches, said condemnation proceedings to be done in accordance with the law now governing like proceedings in said city of Winona.

SEC. 10. The cost and expense of building said bridge and its approaches, and condemning property or acquiring title thereto for the purpose of said bridge and its approaches, shall be paid from the proceeds of said bonds authorized in this act.

SEC. 11. That all tolls collected on said bridge shall be placed to the credit of the "Ferry and Wisconsin roads and bridge" department of the general fund of said city.

SEC. 12. The cost and expense of keeping, operating and maintaining said bridge, and all interest on bonds issued by virtue of this act, shall be paid out of the "Ferry and Wisconsin roads and bridges" department of the general fund of said city.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

## CHAPTER 114.

[S. F. No. 253.]

AN ACT TO AMEND CHAPTER SEVEN (7) OF "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA," APPROVED FEBRUARY TWENTY-FIRST (21ST), A. D. EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of chapter seven (7) of an act entitled "An act to amend the charter of the city of Winona," approved February twenty-first (21st), A. D. eighteen hundred and eighty-seven (1887), be and the same hereby is so amended as to read as follows:

"Sec. 2. The expense of filling, grading, planking and paving or macadamizing streets and alleys to the centre thereof, and of constructing reconstructing and repairing sidewalks and area walls, and of planting shade or ornamental trees along streets and alleys, shall be chargeable to the lots or parcels of land abutting upon such streets and alleys, on the side on which such improvements may be made; and when such improvements shall be made by direction of the city council, the expense thereof shall be assessed upon such lots and parcels and collected in the manner hereinafter prescribed; *Provided, however,* that nothing herein contained shall be construed to prevent any property owner from constructing his or her own sidewalk under the authority and direction of the city engineer, provided such sidewalk shall have been constructed before the city council shall have authorized the making of such improvements in accordance with the provisions of this chapter; otherwise the property owner shall have no authority whatever in the premises to construct such sidewalk, but the same shall be built by the city as provided by law. The city council shall have power to provide for and establish a system of public sewers in said city, and to cause sewers or sewer pipes to be constructed or laid in the streets, alleys and other public ways thereof, and the expense of all material for and of constructing or laying such sewers or sewer pipes, and of such appliances and means as may be necessary to effect or facilitate the discharge of sewerage through such sewers or sewer pipes, or such part of such expense as the city council may designate, shall be chargeable to and assessed upon the lots and parcels of land abutting upon streets, alleys and ways in which such sewers or sewer pipes may be constructed or laid, without regard to the location of the same as to the centre line of such streets, alleys or ways. If, however, the system of sewerage known as the "Shone Hydro-Pneumatic System" shall be adopted and established in and for said city, the city council in each instance, when it proposes to cause sewers to be constructed or laid, for the drainage of any given portion of the city, shall first determine and accurately describe, by ordinance or resolution in writing, the area of territory to be made tributary to an ejector station to be constructed for such district, and in each instance such territory so defined shall be known as a sewer district, and shall be properly designated by number.

"After sewers or sewer pipes shall have been constructed or laid in any such district, or in any part thereof, said council shall have no power to change the boundary lines of such district, nor to increase or diminish the extent of territory made tributary to the ejector station therein.

"The expense of material for and of constructing or laying all sewers and sewer pipes in each such district, and the expense of material for and of constructing all flush tanks, the ejector chamber and adjoining manhole and all other manholes therein, shall be chargeable to and assessed upon the lots and parcels of land abutting upon the streets, alleys and ways, or parts thereof, in which such sewers or sewer pipes may be laid, such assessment to be apportioned among the several lots and parcels according to the number of lineal feet frontage of the same respectively, upon the sewers or sewer pipes so laid; but in determining such apportionment, no lot or parcel shall be regarded as extending beyond the line of the street, alley or way on which it abuts. The cost of all machinery, ejectors, discharge pipes, compressed air connections and all other costs not chargeable to abutting property as aforesaid, shall be paid out of the proceeds of bonds to be issued by said city for that purpose, or out of the general fund in the city treasury, as the city council may direct.

"The city council shall have authority, at its discretion, to purchase direct, all pipes necessary for any contemplated construction of sewers in said city, and said council may also, at its discretion, cause the making of any improvements in this section mentioned, by separate contracts for different portions thereof; *Provided*, that in such case the notice for sealed proposals prescribed by section three (3) of this chapter shall contain a distinct statement that separate proposals will be received for different portions of such improvement, and shall definitely describe such separate portions. If, after any sewerage district shall have been established as aforesaid, and plans and specifications for a system of sewers therein shall have been made and approved as required by the next section of this chapter, said council shall authorize the actual laying of sewers in only a part of such district, then, and in that event, the expense of the improvement, so far as the same is assessable upon abutting lands, shall be assessed as follows: The entire expense of material for and of constructing or laying all sewers or sewer pipes, and the expense of material for and of constructing all flush tanks, and all manholes other than the manhole adjoining the ejector chamber, in such portion of such district, shall be chargeable to and assessed upon abutting lots and parcels of land in such portion of such district, in like manner as above provided; and in such case there shall also be assessed in like manner upon such abutting lots and parcels of land in such portions of such district, a share of the expense of material for and of constructing the ejector chamber and adjoining manhole in such district, bearing the same proportion to the whole of the expense last mentioned as the number of feet of sewer or sewer pipes actually constructed or laid in such portion of such district bears to the whole number of feet of sewer or sewer pipes constructed and laid, and to be constructed and laid, in the entire district in pursuance of the plans and specifications therefor; and the same course and plan as to assessments shall be pursued upon any subsequent extension of the sewer system within such district.

"Such part of the expense of the ejector chamber and the adjoining manhole as may at any time not be covered by assessments, made in the manner aforesaid, shall in the first instance be paid out of the general fund in the city treasury, and shall be returned to said fund, as the same shall be collected from time to time, by assessments.

"Except as hereinabove otherwise provided, all assessments referred to in this section, and all collections thereof, shall be made in manner and form as hereinafter prescribed."

SEC. 2. That section three (3) of said chapter seven (7) be and the same hereby is amended by inserting immediately after the words "city engineer" in the sixth (6th) line of said section, the words "or other person employed by the city council for that purpose;" also, by inserting between the word "work" and the word "will," in the fourteenth (14th) line of said section, the words "and if the council shall so order, for the furnishing of material therefor;" also, by inserting between the word "work" and the word "and," in the twenty-fourth (24th) line of said section, the words "or for the furnishing of materials therefor, or both as the case may be."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

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## CHAPTER 115.

[H. F. No. 494.]

### AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF NORTHFIELD, IN RICE COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the north half (½) of the south half (½) of the northeast quarter (¼) of the southeast quarter (¼) and the south quarter (¼) of the northeast quarter (¼) of the southeast quarter (¼) and the northwest quarter (¼) of the southeast quarter (¼) of the southeast quarter (¼), all in section thirty-five (35), township one hundred and twelve (112), range twenty (20), in Rice county, Minnesota, be attached to and embraced within the corporate limits of the city of Northfield.

SEC. 2. That said portion of said section thirty-five (35) be included in and form a part of ward number three (3) in said city.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 116.

[H. F. No. 620.]

## AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF WEST ST. PAUL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The city of West St. Paul, in the county of Dakota and state of Minnesota, is, from and after the passage of this act, prohibited from issuing bonds to be applied to the local improvement fund of said city and to issue bonds to aid in the making of any local improvement as provided in section fourteen (14), chapter five (5) of an act of the legislature of the state of Minnesota entitled An act to incorporate the city of West St. Paul, approved February twentieth (20th), one thousand eight hundred and eighty-nine (1889), and the authority given in said section to issue such bonds is hereby revoked and annulled; but this section shall not be construed as in any way affecting or impairing the validity of any bonds which have been heretofore issued under said act.

SEC. 2. The said city of West St. Paul is authorized, as occasion may require, to issue its certificates of indebtedness from time to time, and for such purposes as to the council of said city shall seem proper and necessary; but no certificate or certificates of indebtedness shall be issued for any purpose in such an amount that the sums represented thereby, or any bonds issued in lieu of any certificates of indebtedness, shall at any time exceed one thousand (1,000) dollars; and when the outstanding certificates of indebtedness for any and all purposes whatsoever, or the bonds issued in lieu thereof, shall equal said sum of one thousand (1,000) dollars, said city and its officers are forbidden to issue any other or further certificate of indebtedness.

SEC. 3. Section four (4) of chapter one (1) of said act is amended by adding at the end thereof the following: *Provided, however,* anything herein to the contrary notwithstanding, that said common council may in its discretion, and at such times as to it shall seem proper, designate, by order or resolution, one (1) common polling place, instead of a polling place in each of the aldermanic or election districts of said city, within the limits of said city, and at such place as shall be, in the opinion of said council, convenient for the voters of said city, at which place all ballots shall be cast at any election for which such designation shall be made. The ballot boxes for each ward of said city shall be kept separate, and the ballot of each person entitled to vote shall be cast in the ballot box or ballot boxes, as the case may be, provided for the ward in which such voter may live. Such elections shall in all respects be conducted as required by the statutes of the state of Minnesota, except that the said common council may designate only the number of judges of election required by law for one (1) polling place or election district. The said judges shall be residents of said city and shall make their returns of the election held, as in this proviso required, from each ward separately. Said judges shall have the same power and authority in the conduct of any election as that given by law to the judge of a single election district, though said election may be held at one (1) common polling

place designated by said council; yet, except as to the number of judges, it shall be conducted as if it were held in the several wards or separate election precincts as provided by the act of incorporation of said city.

SEC. 4. Section nineteen (19), chapter three (3) of said act is amended by adding thereto the following: *Provided, however,* anything herein to the contrary notwithstanding, that no alderman shall receive, either directly or indirectly, any compensation for his services.

SEC. 5. All parts of said act inconsistent with the provisions herein contained are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 117.

[H. F. No. 580.]

AN ACT TO AMEND "AN ACT AMENDING CHAPTER TWO (2) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED 'AN ACT TO DEFINE THE BOUNDARIES OF, AND ESTABLISH A MUNICIPAL GOVERNMENT FOR, THE CITY OF DULUTH.' APPROVED MARCH TWO (2), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AS AMENDED BY CHAPTERS NINETEEN (19), NINETY-SIX (96) AND THREE HUNDRED AND FOUR (304) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889)."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section thirty-five (35) of an act of the legislature of the state of Minnesota entitled "An act amending Chapter two (2) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and eighty-seven (1887), entitled 'An act to define the boundaries of, and establish a municipal government for, the city of Duluth,' approved March two (2), one thousand eight hundred and eighty-seven (1887), as amended by Chapters nineteen (19), ninety six (96) and three hundred and four (304) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889)," be and the same is hereby amended by striking therefrom the words "if the common council and the owners of any water or light plant which said common council may deem it advisable to purchase cannot agree upon a just and reasonable price to be paid for said plants, the city of Duluth may acquire said plants by condemnation in the same way that other property may be acquired by said city under the provisions of chapter six (6) of the city charter," and is also amended by striking out the words "purchase or condemnation," wherever they appear in said section, and inserting in lieu thereof the words "purchase or erection."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

## CHAPTER 118.

[S. F. No. 217.]

AN ACT TO AMEND "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ANOKA, IN THE COUNTY OF ANOKA, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, - INTO ONE ACT, AND TO AMEND THE SAME," APPROVED APRIL EIGHTEENTH (18TH), ONE THOUSAND, EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2) of chapter one (1) of said act be and the same is hereby amended so as to read as follows:

Sec. 2. The territory included within the following boundaries and limits shall constitute the city of Anoka, viz.: All of fractional township number thirty-one (31) north of range number twenty-five (25) west of fourth (4th) principal meridian, and the fractional west three-fourths ( $\frac{3}{4}$ ) of sections number six (6) and seven (7), in township number thirty-one (31) north of range number twenty-four (24) west of fourth (4th) principal meridian, in said county of Anoka, Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 119.

[S. F. No. 250.]

AN ACT TO AMEND CHAPTER TWENTY-EIGHT (28) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED "AN ACT TO INCORPORATE THE CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That chapter seven (7) of Chapter twenty-eight (28) of the Special Laws of the state of Minnesota for the year one thousand eight hundred and eighty-one (1881) be amended by adding to said chapter seven (7) section twelve *a* (12*a*) which shall read as follows:

Sec. 12*a*. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, reconstruct and maintain in good repair the sidewalks along the street, lane or alley next to the lands of said owners respectively, as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council to be built, and such sidewalks shall be constructed and maintained so as to comply with the city ordinance which regulates the width of sidewalks in different localities, and provides for the materials of which they shall be constructed.



SEC. 2. That section fifteen (15) of said chapter seven (7) be amended so as to read as follows:

Sec. 15. Whenever the city council shall deem it necessary to construct or reconstruct any sidewalks in said city of Moorhead, they shall require the street commissioner to notify all owners and occupants of any lot or parcels of land adjoining such sidewalk, to construct or reconstruct the same, at his or their own proper expense and charge, within a certain time designated in a notice which shall be published once in each week, for two (2) successive weeks, in the official newspaper of said city, and which notice shall set forth the place where said sidewalk is to be constructed or reconstructed and the time within which the same is to be done.

SEC. 3. That section sixteen (16) of said chapter seven (7) be amended so as to read as follows:

Sec. 16. If said work is not done, and the sidewalks not constructed or reconstructed, in the manner and within the time prescribed, the city council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the street commissioner, and returned by him to the city council; and said assessment so made and returned, if approved by the city council, shall become a lien upon said lots and parcels of land as in case of city, county and street taxes.

SEC. 4. That said chapter seven (7) be amended by adding thereto a section numbered nineteen (19), which shall read as follows:

Sec. 19. If the owner of any lot or parcel of land, shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner immediately to repair the same in a good, substantial and thorough manner, and to report to the city council, in writing, the costs of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made; and if said report is accepted and approved by the city council, they shall then and thereupon assess upon such lots and parcels of land so reported by the street commissioner, the expenses of repairing said sidewalks in like manner as provided by section sixteen (16) of said chapter seven (7), and said assessment shall become a lien upon said lots and parcels of land as in case of city, county and state taxes. Said assessment shall be returned as a tax upon said lots or parcels of land to the auditor of Clay county, as provided by section seventeen (17) of said chapter seven (7). In case any such sidewalks shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, it shall be the duty of the street commissioner to remove the same entirely, and the expense of such removal shall be collected in the same manner as the expenses for repairs.

SEC. 5. That said chapter seven (7) be amended by adding thereto a section numbered twenty (20), which shall read as follows:

Sec. 20. No assessment in this chapter provided for shall be set aside or held invalid by reason of any informality or irregularity in the proceedings prior to the entry thereof on the tax lists of the auditor of said county of Clay as herein required, unless it shall appear that by reason of any such informality or irregularity an injustice has been done to the party or parties claiming to be aggrieved.

SEC. 6. That said chapter seven (7) be amended by adding thereto a section numbered twenty-one (21), which shall read as follows:

Sec. 21. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or public ground of said city, by means of which a claim for damages shall arise against the city, shall be liable for such damages to whomsoever shall be entitled to recover the same from said city; and no action for such damages shall be brought or maintained against said city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall be issued only against the defendant causing such deficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if the city shall pay such judgment, it shall become the owner thereof and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceeding as judgment creditors are entitled to take.

SEC. 7. That said chapter seven (7) be amended by adding thereto a section numbered twenty-two (22), which shall read as follows:

Sec. 22. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare or public ground, and any such party is not a resident of, and cannot be found within, the state, service of summons in such action may be made upon such defendant upon like evidence and in like manner as prescribed by general law for service by publication in other actions.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the date of its passage.

Approved February 27, 1891.

## CHAPTER 120.

[H. F. No. 488.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF ADRIAN, NOBLES COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE CONSTRUCTION AND MAINTENANCE OF WATER WORKS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the village of Adrian, Nobles county, Minnesota, is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of ten thousand (10,000) dollars, in such denominations as may by said council be deemed proper, payable in not more than twenty (20) years, and to bear interest not greater than seven (7) per cent per annum, for the purpose of procuring a water supply for said village, the erection of water works, with all necessary

pumps, pipes, tanks, mills and machinery for the proper distribution of water within the limits of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as public improvement bonds of said village.

SEC. 2. Before issuing any such bonds, the common council shall submit to the legal voters of said village the proposition to be voted on by them at any general election, or at a special election called for that purpose, which proposition shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable, and if at said election a majority of the legal voters voting on said proposition shall vote for issuing bonds, then said bonds may be issued in accordance with said proposition and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

## CHAPTER 121.

[H. F. No. 318.]

AN ACT AUTHORIZING THE CITY OF MINNEAPOLIS TO VACATE, OR CAUSE TO BE VACATED, A PORTION OF THE EAST SIDE CATHOLIC CEMETERY, SO CALLED, AND TO REMOVE, OR CAUSE TO BE REMOVED, ALL BODIES INTERRED IN SUCH PORTION THEREOF, AND TO PURCHASE, OR CAUSE TO BE CONDEMNED, TAKEN AND APPROPRIATED FOR STREET PURPOSES, SUCH PORTION OF SAID CEMETERY.

WHEREAS, The cemetery in the city of Minneapolis known as the East Side Catholic cemetery, being and consisting of the north three-quarters ( $\frac{3}{4}$ ) of the south half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section eleven (11), in township twenty-nine (29) of range twenty-four (24), containing fifteen (15) acres, more or less, projects into Central avenue as said avenue is now laid out south of said cemetery; and

WHEREAS, Said city of Minneapolis is desirous of opening and widening said Central avenue along and east of said cemetery to the uniform width of one hundred (100) feet, to make said avenue conform in width at said place with the portions of said avenue south of said place; and

WHEREAS, To make said avenue and the boundaries thereof straight and give said avenue a uniform width of one hundred (100) feet in the portion thereof east of said cemetery, it will be necessary to appropriate for street purposes a strip of land off from the east side of said cemetery not exceeding fifty (50) feet in width; therefore,

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city council of the city of Minneapolis be and is hereby authorized and empowered to purchase, or cause to be con-

demned, taken and appropriated for street purposes, so much of said above described cemetery grounds as may be necessary to make said Central avenue where it adjoins said cemetery the uniform width of one hundred (100) feet, and to make the west line of said Central avenue extend in a straight line across said above described tract of land parallel to and fifty (50) feet west of the eastern boundary line of section eleven (11) of township twenty-nine (29) of range twenty-four (24), being a strip of land of a width of not to exceed fifty (50) feet, described as follows: All that part of the above described cemetery grounds lying east of a line drawn across said tract of land parallel to and fifty (50) feet west of the eastern boundary line of section eleven (11), township twenty-nine (29), range twenty-four (24), and to vacate, or cause to be vacated, said portion of said cemetery to be taken as aforesaid for street purposes, and to remove, or cause to be removed, from said portion of said cemetery to be taken as aforesaid all bodies interred therein.

SEC. 2. The proceedings for condemnation of said portion of said cemetery for said street purposes shall be such as are now provided by law for taking private property for street purposes.

SEC. 3. That all acts or parts of acts in conflict with this act, including any and all provisions of the charter of said city of Minneapolis that are in conflict with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

## CHAPTER 122.

[S. F. No. 869.]

AN ACT CREATING AND ESTABLISHING THE DEPARTMENT OF CORRECTIONS AND CHARITIES OF THE CITY OF MINNEAPOLIS AND DEFINING ITS POWERS AND DUTIES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. There is hereby established an executive department in the municipal government of the city of Minneapolis, state of Minnesota, which shall be known as the department of charities and corrections and shall embrace the mayor, four (4) commissioners and such other assistants and employes as are hereinafter provided for.

SEC. 2. This department shall be under the care, management and control of a board of four (4) commissioners, not more than two (2) of whom shall belong to the same political party, of which board the mayor shall be a member *ex-officio*, and shall have the right as such to participate in the deliberations and proceedings and vote whenever he may deem it advisable so to do.

They shall be appointed by the mayor, and shall hold office for the term of four (4) years, and until their successors are chosen and qualified.

*Provided*, that at the first appointment [of commissioners] under this act, the mayor shall appoint two (2) commissioners for the term of two (2) years and two (2) for the term of four (4) years, and biennially thereafter the mayor shall appoint two (2) commissioners for the term of four (4) years.

SEC. 3. The board of charities and corrections shall have the charge, management and control of the charities of the city, the overseeing of the poor and those applying for and receiving relief from the city. Said board shall be charged with all the duties now imposed by law or ordinance on the board of supervisors of the poor.

They shall also have the care, management and control of all almshouses, hospitals, workhouses or other places of charity, detention and correction that now or hereafter may be established, owned and controlled by the city; said board shall faithfully execute all laws and ordinances relating to the care, maintenance and control of the charities and corrections of the city and perform such other duties as may be placed upon said department by the city council.

SEC. 4. Said board shall, biennially, elect from their number a president.

SEC. 5. They shall elect, biennially, some suitable person to act as superintendent of the poor, and who shall at all times attend to the business of the department. He shall receive an annual salary not to exceed six hundred (600) dollars, to be fixed by the board.

Said superintendent shall investigate, or cause to be investigated, all applicants for assistance and relief of every nature, and, under the direction of the board, attend to the distribution of all fuel, food and other supplies. The superintendent shall attend all meetings of the board, and shall act as secretary of the board; he shall, under the direction of said board, keep a complete record of the proceedings of said board, a record of the city hospital and workhouse and all other institutions that may be owned and controlled by the city for the purposes of charity and corrections, and a full and complete set of books showing all receipts and expenditures and such other records as the board may require, and shall discharge such other and further duties as may be required by said board.

SEC. 6. The board of charities and corrections shall also elect, biennially, a city physician, who shall receive an annual salary not to exceed twenty-two hundred (2,200) dollars, to be fixed by the board. Said physician shall perform all the duties now pertaining to said office, or that hereafter may be imposed upon it by the city council or said board of charities and corrections; he shall appoint all assistants, matron, nurses and all other help necessary in discharging the duties of his office and caring for the city hospital and the sick under the charge of the department, or discharge the same, and shall report the same to said board. The city physician shall be the physician and surgeon to all the departments of the city, and no department shall employ any other physician or surgeon; but assistant physicians or surgeons may be employed in any particular matter or emergency by the mayor, but he shall be selected by the city physician.

SEC. 7. Said board of charities and corrections shall, biennially, elect some suitable person as superintendent of the workhouse; he shall receive an annual salary not to exceed fifteen hundred (1,500) dollars, to be fixed by the board. Said superintendent shall, under the direction and control of said board, have the management and

control of the city workhouse and the care and maintenance of the same.

SEC. 8. Said board of charities and corrections shall have the power to employ all help necessary in caring for the poor of the city of Minneapolis, the maintenance and control of all charities, hospitals and places of correction and detention that now or may hereafter be established, owned and controlled by said city. They shall have the power and authority to fix the salaries of all employes not hereinbefore provided for and to make all rules and regulations necessary to carry out the provisions and intentions of this act.

SEC. 9. It shall be their duty, and the city council is hereby authorized, to pass any and all ordinances in addition to those now in force and not contradictory to any of the provisions of this act, necessary to the proper management and control of the charities and corrections of said city.

The board of charities and corrections shall report to the city council, at or before the first meeting of the council in September in each year, the amount of money required for the support of the department for the next fiscal year, and the city council shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and employes which the said board are authorized to appoint, and all other expenses incurred by said department in the care and management of the charities, hospitals and places of detention and correction of said city.

The appropriations of the city council for the fiscal year eighteen hundred and ninety-one (1891), for the poor and workhouse departments and the city hospital, shall be at the disposal of this department for said fiscal year; and the disposition of these funds for charities and corrections shall be proportionate to each in accordance with the original estimates for the same.

All bonds authorized by the legislature and issued by the council of the city of Minneapolis, or appropriations already or hereafter made by said council for the construction of a city hospital, shall be at the disposal of this board, whose duty it shall be, and they are hereby empowered, to construct, complete and equip the same as fast as funds are furnished for that purpose.

No moneys shall be paid out of the city treasury for this department, except upon orders signed by the president and secretary of the board and countersigned by the city comptroller.

*Provided*, that the provisions of this act shall not be construed as authorizing or permitting the removal from office of the present superintendent of the poor, the city physician or the superintendent of the workhouse, or the removal or discharge, without good and sufficient cause, of any officers or employes appointed or employed [by or] under the said superintendent of the poor, the city physician or the superintendent of the workhouse.

SEC. 10. All acts and parts of acts inconsistent and in confliction with the provisions of this act or any part thereof are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after the first (1st) day of July, eighteen hundred and ninety-one (1891).

Approved April 21, 1891.

## CHAPTER 123.

[H. F. No. 1131.]

AN ACT TO PROVIDE FOR THE DISPOSITION OF MONEYS RAISED BY TAXATION IN THE CITY OF MINNEAPOLIS, AND TO REGULATE THE SETTLEMENT OF ACCOUNTS BETWEEN THE COUNTY AUDITOR AND COUNTY TREASURER OF HENNEPIN COUNTY RELATIVE TO SUCH FUNDS, AND TO PROVIDE FOR A MONTHLY SETTLEMENT BETWEEN THE COUNTY TREASURER OF SAID COUNTY AND THE CITY OF MINNEAPOLIS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That on the last days of each month in every year the county treasurer of Hennepin county shall make full settlement with the county auditor of said county of his receipts and collections of taxes for all purposes from residents or property within the corporate limits of the city of Minneapolis, from the date of the last settlement up to and including each day mentioned, and the county auditor shall, within ten (10) days after each settlement, send an abstract of the same to the auditor of state, in such form as the said auditor may prescribe. At each settlement the treasurer shall make complete returns of his collections on the current tax list, showing the amount collected on account of the several funds included in said list, in so far as the same relate to said city of Minneapolis.

SEC. 2. The county treasurer shall, immediately after each settlement, pay over to the city treasurer of the city of Minneapolis, on the order of the county auditor, all moneys received by him arising from taxes levied and collected belonging to the said city of Minneapolis, and deliver up all orders and other evidences of indebtedness of said city of Minneapolis, taking duplicate receipts therefor, one (1) of which shall be filed in the office of the county auditor.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act, in so far as the same relate to settlement for taxes between the treasurer of Hennepin county and the city of Minneapolis, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 124.

[H. F. No. 637.]

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS TO PAY LUDWIG L. ANDERSON THE SUM OF THREE HUNDRED AND SEVENTY DOLLARS (\$370) AND SUCH OTHER SUM OF MONEY AS SAID CITY COUNCIL MAY DETERMINE HIM ENTITLED TO.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of Minneapolis be and hereby is authorized, empowered to pay to Ludwig L. Anderson the sum of three hundred and seventy dollars (\$370), and also the value of a watch and chain belonging to said Ludwig L. Anderson, taken from said Ludwig L. Anderson on or about the twenty-seventh (27th) day of July, eighteen hundred and eighty-nine (1889), by one Robert R. Harvey, at that time a police officer of the city of Minneapolis, in charge of the lockup in said city, and at a time when said Ludwig L. Anderson was a prisoner therein, which money and property was by said Harvey converted to his own use.

SEC. 2. This act shall take effect from and after its passage.

Approved April 13, 1891.

## CHAPTER 125.

[H. F. No. 443.]

AN ACT RELATING TO AND PROVIDING FOR CITY JUSTICE OF THE PEACE IN AND FOR THE CITY OF MINNEAPOLIS, AND TO DEFINE AND REGULATE THE POWERS AND DUTIES OF JUSTICES OF THE PEACE IN SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the offices of justice of the peace now existing in the city of Minneapolis, in the county of Hennepin, in the state of Minnesota, are hereby continued, confirmed and established as courts of justice of the peace for the transaction of all judicial and other business which may lawfully come before them.

SEC. 2. That on the day of the general city election for the election of city officers, held in the city of Minneapolis in the year A. D. one thousand eight hundred and ninety (1890), and every second (2d) year thereafter, the qualified electors of the said city shall elect, by ballot, as hereinafter provided, three (3) justices of the peace within and for said city, who shall hold their offices for a term of two (2) years, commencing on the seventh (7th) day of April, A. D. one thousand eight hundred and ninety-one (1891), or until their successors are elected



and qualified; *Provided*, that the justices of the peace elected at the general city election of said city in the year A. D. one thousand eight hundred and eighty-eight (1888), for a term of two (2) years, commencing April seventh (7th), A. D. one thousand eight hundred and eighty-nine (1889), shall hold their said offices for the unexpired balance of said term, until the sixth (6th) day of April, A. D. one thousand eight hundred and ninety-one (1891) and no longer; and the election of said justices at said general city election in said year one thousand eight hundred and eighty-eight (1888), to said offices, for a term of two (2) years, commencing April seventh (7th), one thousand eight hundred and eighty-nine (1889), is hereby made legal and confirmed.

*Provided further*, that the election of William H. Mills and John J. McHale and Elijah Barton to said offices of justice of the peace, at the general city election for the election of city officers in and for said city, held on the fourth (4th) day of November, A. D. one thousand eight hundred and ninety (1890), for a term of two (2) years, commencing April seventh (7th), one thousand eight hundred and ninety-one (1891), is hereby made legal and confirmed; and they shall, upon qualifying, as hereinafter provided, take and hold said offices on the seventh (7th) day of April, A. D. one thousand eight hundred and ninety-one (1891), and for a term of two (2) years thereafter, or until their successors are elected and qualified.

*And provided further*, that the justices of the peace now in office in said city shall on the expiration of their term of office, on said sixth (6th) day of April, A. D. one thousand eight hundred and ninety-one (1891), transfer and turn over to the justices of the peace elected at said general city election in the year one thousand eight hundred and ninety (1890), in said city, all their dockets, records, papers and files pertaining to said offices of justice of the peace, and the said justices to whom said dockets, records, files and papers may be transferred, shall have full jurisdiction to finish and complete all actions and proceedings unfinished and pending at the time of said transfer.

SEC. 3. That every person elected to said offices under the provisions of this act shall, before the commencement of his term of office, take and subscribe the oath of office required of justices of the peace by the general laws of the state of Minnesota, and shall execute a bond to the city of Minneapolis, with two (2) or more sufficient sureties, to be approved by the president of the city council of said city, in the penal sum of not less than five hundred dollars (\$500), or more than one thousand dollars (\$1,000), conditioned on the faithful discharge of his duties as such justice; and said president of the city council shall indorse his approval of such sureties thereon, and said justice shall file his said oath and bond with the city clerk of said city.

SEC. 4. That said justices of the peace shall be elected from districts of said city described as follows, to-wit: One (1) from the north district, being all that part of said city lying west of the Mississippi river and north and west of First avenue south in said city; one (1) from the south district, being all that part of said city lying west of the Mississippi river and south and east of said First avenue south; and one (1) from the east district, being all that part of said city lying east of the west channel of said Mississippi river.

SEC. 5. Said justices of the peace must be residents of the respective districts from which they are elected, and shall be elected by the

qualified electors of their respective districts; *Provided*, that such justice shall at all times keep and maintain an office for the transaction of business in the district from which he was elected or in a district adjoining thereto.

SEC. 6. All summons, writs and process may be directed to, and served by, any police officer of said city or by any police officer specially appointed for such purpose by the mayor of said city, or by the sheriff or any constable of said county of Hennepin; *Provided*, whenever any of said justices issues any summons in any civil action, such justice may, upon the request of the plaintiff therein, and at his risk, empower any suitable person, not a party to the action, to execute the same by an indorsement upon the summons to the following effect: "At the request and risk of the plaintiff, I authorize A B to execute and return this writ." And the person so empowered shall thereupon possess all the authority of a constable, police officer or sheriff in relation to the service and return of said summons; but such authority, so authorized to be given, shall not apply to proceedings in replevin, forcible entry and unlawful detainer, or attachment; and Chapter sixty-five (65) of the General Statutes of one thousand eight hundred and seventy-eight (1878), and the amendments thereof, relating to justices of the peace, shall apply to said city justices; *Provided, however*, that said city justices shall have no criminal jurisdiction, and said Chapter sixty-five (65) shall apply to this act only so far as the same relates to civil actions.

*Provided*, that no justice of the peace outside of said city shall have jurisdiction to issue any summons or process in any civil action within said city, and that service of any summons or process from such justice outside of said city, within said city, shall be void.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after the date of its passage.

Approved April 18, 1891.

## CHAPTER 126.

[H. F. No. 369.]

AN ACT TO ENABLE THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS TO REFUND FIVE HUNDRED AND FIFTY DOLLARS (\$550) TO THOMAS MOORE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The city council of the city of Minneapolis be and the same is hereby authorized to refund the sum of five hundred and fifty dollars (\$550) to Thomas Moore, on account of money paid said city for a license to sell intoxicating liquors for the year one thousand eight hundred and eighty-nine (1889).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 127.

[S. F. No. 770.]

## AN ACT TO LEGALIZE CERTAIN CLAIMS AGAINST THE CITY OF MINNEAPOLIS, AND AUTHORIZING THE PAYMENT OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. WHEREAS, During the year of one thousand eight hundred and eighty-eight (1888), the said city of Minneapolis duly granted to the Minneapolis West Side Street Railway Company, a corporation, duly organized under the laws of the state of Minnesota, certain rights, privileges and franchises to grade, build, construct and operate a line of street railway on Thirty-fourth (34th) street, from Lake Calhoun to Tenth (10th) avenue south, and on Tenth (10th) avenue south from Thirty-fourth (34th) street to Twenty-ninth (29th) street south, and on Twenty-ninth (29th) street to Thirteenth (13th) avenue south, and on Thirteenth (13th) avenue south to Twenty-eighth (28th) street south, and on Twenty-eighth (28th) street to Fort avenue south; and

WHEREAS, It is claimed that James Gorman, under a contract with the said West Side Street Railway Company, did the grading on said streets and avenues along the proposed line of said street railway, and the said West Side Street Railway Company, after said grading was done, being insolvent and unable to pay the said Gorman for said grading or any part thereof; and

WHEREAS, The said street railway company abandoned and forfeited its said franchise to the said city of Minneapolis, and the said city of Minneapolis having received the benefits of said grading and the labor and service of the said Gorman in grading the said streets and avenues; and

WHEREAS, It is claimed that under said contract there is now due the said Gorman from the said West Side Street Railway Company, for said grading, labor and services, the sum of four thousand one hundred and thirteen dollars and sixty-one cents (\$4,113.61); now, therefore,

*Be it enacted by the Legislature of the State of Minnesota:*

SEC. 2. That the city council of the city of Minneapolis be and are hereby authorized and empowered to pay to James Gorman the sum of four thousand one hundred and thirteen dollars and sixty-one cents (\$4,113.61), or as much thereof as the said city council shall determine is the just and reasonable value of the said grading, labor and services to the city of Minneapolis, which has not been paid for by the said West Side Street Railway Company.

SEC. 3. That the city council of the city of Minneapolis are hereby authorized to ascertain and determine the value of said grading on said streets and avenues to the said city, and authorized and empowered to order the payment to the said Gorman of such sums as

said council shall determine to be the reasonable value of said grading, not exceeding the sum of four thousand one hundred and thirteen dollars and sixty-one cents (\$4,113.61).

That the city clerk of said city of Minneapolis is hereby authorized and empowered, upon being directed by said city council, to draw orders or warrants in favor of said James Gorman for the amount so ordered by said city council.

And the mayor of the city of Minneapolis is hereby authorized and empowered to sign said orders and warrants, and the comptroller of said city is hereby authorized and empowered to countersign the said orders or warrants drawn by said city clerk.

And the city treasurer of said city is hereby authorized and empowered to pay to the said James Gorman such sums, not exceeding the amount hereinbefore mentioned, as the said city council shall determine and order paid to the said James Gorman, such sums to be paid out of the street improvement funds of the various wards through which said streets and avenues run in proportion to the amount of grading in each ward.

SEC. 4. Nothing in this act shall be construed as making it binding or obligatory upon the city council of Minneapolis to take any action whatever upon the subject matter set out in sections one (1), two (2) and three (3) of this act, or to order the payment of any sum or sums to the said James Gorman.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 128.

[H. F. No. 393.]

AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO PAY THE SUM OF TEN THOUSAND DOLLARS (\$10,000), ADVANCED FOR THE RELIEF OF THE SUFFERERS OF JOHNSTOWN, PENNSYLVANIA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city council of the city of Minneapolis is hereby authorized and empowered to pay the sum of ten thousand dollars (\$10,000) in satisfaction of a certain note dated July sixth (6th), eighteen hundred and eighty-nine (1889), for that sum, signed by Elwood S. Corser and others, made to secure that sum of money for the relief of the sufferers at Johnstown, Pennsylvania, made in pursuance of a certain resolution passed by the city council of the city of Minneapolis, June eleventh (11th), eighteen hundred and eighty-nine (1889), and approved June seventeenth (17th), eighteen hundred and eighty-nine (1889), whereby the said city council pledged the good faith of the said city to secure authority for the repayment of said amount; that said sum be paid out of the general fund of said city, out of any moneys therein not otherwise appropriated, or from bonds which may

be hereafter issued by said city under and by virtue of any authority heretofore or hereafter conferred by the legislature of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1891.

## CHAPTER 129.

[H. F. No. 1235.]

AN ACT AUTHORIZING THE CITY OF MINNEAPOLIS TO VACATE, OR CAUSE TO BE VACATED, A PART OR PARTS OF MAPLE HILL CEMETERY, AND TO REMOVE, OR CAUSE TO BE REMOVED, FROM THE PART OR PARTS SO VACATED ALL BODIES INTERRED THEREIN, AND TO PURCHASE, OR CAUSE TO BE CONDEMNED, TAKEN AND APPROPRIATED FOR STREET PURPOSES, THE PART OR PARTS OF SAID CEMETERY SO TAKEN, AND AUTHORIZING THE CITY OF MINNEAPOLIS, OR THE BOARD OF PARK COMMISSIONERS OF SAID CITY, TO PURCHASE AND ACQUIRE, OR CAUSE TO BE TAKEN AND APPROPRIATED, FOR PARK OR CEMETERY PURPOSES THE REMAINDER OF SAID CEMETERY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city council of the city of Minneapolis be and is hereby authorized and empowered to vacate, or cause to be vacated, a strip of land thirty-three (33) feet in width, of and from and extending across each side of the cemetery in the city of Minneapolis, known as Maple Hill cemetery, and consisting of the northeast quarter (¼) of the northwest quarter (¼) of the southwest quarter (¼) of section thirteen (13) of township twenty-nine (29), in range twenty four (24), containing ten (10) acres, more or less. The portions of said cemetery which the said city council is hereby authorized to vacate, or cause to be vacated, are more particularly described as follows, to-wit: The east thirty-three (33) feet of said cemetery and the north thirty-three (33) feet of said cemetery and the south thirty-three (33) feet of said cemetery and the west thirty-three (33) feet of said cemetery, being, respectively, strips of land thirty-three (33) feet wide, extending across the east, north, west and south sides of said cemetery; and the city council of the city of Minneapolis is hereby authorized to remove, or cause to be removed, from the portions of said cemetery above specified all bodies interred in said portions of said cemetery, or on lots and street adjacent thereto, and to purchase, or cause to be condemned, taken and appropriated for street purposes all or any of the said portions of said cemetery to be vacated as above specified.

SEC. 2. The bodies of deceased persons removed, or caused to be removed, hereunder shall be properly buried within the remaining portions of said cemetery, in lots similar in size and character to those from which said bodies were removed; *Provided, however,* that if the

relatives of any such deceased person desire to take and remove the body of such deceased person to some other cemetery, they shall be allowed so to do; *And provided further*, that the body of any deceased person that was interred in said cemetery at the expense of the said city of Minneapolis may be removed to and buried in any cemetery within the city of Minneapolis which the city council of the city of Minneapolis may designate. The names of all deceased persons whose bodies are removed from said portions of said cemetery, when the names of such deceased persons are known, and the place to which said bodies are removed and reinterred, shall be entered in a record book, which book shall be filed in the office of the city clerk of the city of Minneapolis.

SEC. 3. The city council, or the board of park commissioners, of the city of Minneapolis is hereby authorized and empowered to purchase, acquire, take and appropriate for park or cemetery purposes the remainder of said Maple Hill cemetery, such remainder being all of said cemetery except the portions which by the provisions of this act may be vacated and taken for street purposes; but nothing herein contained shall be held to authorize the said city council or park board to remove, or cause to be removed, from such remainder of said cemetery any bodies interred therein; *Provided, however*, that no burials shall hereafter be made in said cemetery by said park board except in lots in which bodies have heretofore been buried.

SEC. 4. The proceedings for the condemnation of any of the said portions of the said cemetery grounds shall be such as are now provided by law for taking private property for like public purposes, except as the same may be modified by the provisions of this act.

SEC. 5. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 130.

[S. F. No. 861.]

AN ACT TO AMEND CHAPTER TEN (10) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887), BEING AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS," APPROVED MARCH FOURTH (4TH), EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION. 1. That the boundaries of the seventh (7th) ward, in section three (3) of Chapter ten (10) of the Special Laws of eighteen hundred and eighty-seven (1887), be and are hereby stricken out and insert the following:

The seventh (7th) ward of the city of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at the intersection of Chicago avenue and Twenty-fourth (24th) street; thence running easterly along the centre line of Twenty-fourth (24th) street to the intersection of Hiawatha avenue; thence southeasterly along the centre line of Hiawatha avenue to the intersection of Twenty-eighth (28th) street; thence west along the centre line of Twenty-eighth (28th) street to the intersection of Twenty-first (21st) avenue south; thence southerly along the centre line of Twenty-first (21st) avenue to the southern limits of the city; thence westerly along the southern limits of the city to the intersection of Chicago avenue; thence northerly along the centre line of Chicago avenue to the place of beginning.

SEC. 2. That the boundaries of the twelfth (12th) ward, in section three (3) of Chapter ten (10) of the Special Laws of eighteen hundred and eighty-seven (1887), be stricken out and insert the following:

All of the territory within the limits of the city, lying south of the eleventh (11th) ward, and east of the seventh (7th) ward, shall constitute the twelfth (12th) ward.

SEC. 3. Nothing in this act contained shall be construed as legislating out of office any ward or city officer, but every such officer, notwithstanding the changes made in ward boundaries, shall continue to serve in the office to which he has been elected until the end of the term of his office, and shall so serve for the ward in which he resides after this act takes effect; *Provided*, that at the election held in the year eighteen hundred and ninety-two (1892), there shall be elected in the said seventh (7th) ward one (1) alderman for the term of two (2) years, and one (1) for the term of four (4) years; and at every biennial election thereafter there shall be elected in said seventh (7th) ward one (1) alderman for the term of four (4) years; *And provided further*, that at the election held in the year eighteen hundred and ninety-four (1894) there shall be elected in the said twelfth (12th) ward one (1) alderman for the term of four (4) years and one (1) for the term of two (2) years; and at every biennial election thereafter there shall be elected in said twelfth (12th) ward one (1) alderman for the term of four (4) years.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

## CHAPTER 131.

[H. F. No. 168.]

AN ACT TO AMEND THE CITY CHARTER OF THE CITY OF MINNEAPOLIS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That that certain act entitled "An act to amend and consolidate the charter of the city of Minneapolis," approved March eighth (8th), one thousand eight hundred and eighty-one (1881) and the

acts amendatory thereof be and is hereby amended by adding to section fourteen (14), chapter four (4), thereof the following:

*Provided, however,* that the city council of the city of Minneapolis may at any time, by the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of its members, release said Minneapolis Industrial Exposition from any of the conditions imposed upon it by the deed or deeds of conveyance executed by said city to said corporation in pursuance of the foregoing provisions, or from any contract heretofore or hereafter entered into between said city and said corporation; *And provided further,* that said city council may, whenever it shall seem to said city council to be for the best interests of said city so to do, by the affirmative vote of three-quarters ( $\frac{3}{4}$ ) of its members, relinquish to said Minneapolis Industrial Exposition, by deed of quitclaim, all the right, title, claim and interest of said city in and to any property heretofore conveyed by it to said corporation, including all reversionary rights reserved in its deeds of conveyance to said corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 132.

[S. F. No. 687.]

AN ACT PROHIBITING THE COURT HOUSE AND CITY HALL COMMISSIONERS OF THE CITY OF MINNEAPOLIS, APPOINTED BY ACT OF THE LEGISLATURE, APPROVED MARCH SECOND (2D), EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887), FROM CONTRACTING ANY INDEBTEDNESS OR ISSUING ANY BONDS IN EXCESS OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) AUTHORIZED BY SAID ACT, AND PROVIDING FOR FURTHER FUNDS, IF THE SAME BE NECESSARY, FOR THE COMPLETION OF SAID COURT HOUSE AND CITY HALL BUILDING.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the said board of city hall and court house commissioners are hereby prohibited from contracting any indebtedness, or issuing any bonds in the prosecution of the erection of the said city hall and court house, in excess of the fifteen hundred thousand (1,500,000) dollars authorized by said act. And any indebtedness or bonds issued in excess of such amount shall be null and void.

SEC. 2. That no bonds in excess of fifteen hundred thousand (1,500,000) dollars shall be issued by any authority, either of the city council or county commissioners, and no funds for the completion of the said city hall and court house shall be raised in any way except by a direct tax of not to exceed one (1) mill in any one (1) year.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.



## CHAPTER 133.

[S. F. No. 727.]

AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS IN THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000), TO BE EXPENDED FOR A CITY HOSPITAL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Minneapolis is hereby authorized and empowered, in the manner, under the restrictions and for the purposes hereinafter designated, to issue from time to time, as needed, the bonds of said city, in such denominations, at such times of payment, not exceeding thirty (30) years, and at such place of payment as may be deemed best (such bonds to have semi-annual interest coupons), at such rate of interest, not to exceed four and one-half (4½) per cent per annum, payable at such place or places as said city council shall designate. And said city council is further authorized to negotiate and sell such bonds from time to time, upon the best terms for said city that may be obtained; *Provided, however*, that no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds greater than four and one-half (4½) per cent per annum on bonds sold at par. All proceedings under this act shall be by resolution of said city council, to be approved by the mayor and published as provided by the charter of said city.

SEC. 2. Nothing herein shall authorize the issue at any time of bonds to such an amount that the whole amount of the principal of bonds actually issued by said city at the time, together with the proposed issue, less the amount of the bonds of the city of Minneapolis which shall be in and a part of the sinking fund of said city for the payment of bonds as in the charter of said city provided, shall exceed five (5) per cent of the aggregate value of the taxable property of said city as assessed and determined for the purpose of taxation; and the entire amount of the bonds issued under this act shall not exceed in amount the sum of twenty-five thousand dollars (\$25,000). This act shall not be construed as in any manner prohibiting or interfering with the issue of any and all bonds the issue of which has been heretofore authorized. The signing or countersigning of any bonds purporting to be issued under authority of this act by the city comptroller of said city, in respect to all such bonds held by *bona fide* purchasers, shall be deemed conclusive evidence that the limitations of this section have been observed and complied with.

SEC. 3. The avails of all bonds issued and sold under this act shall be placed in the city treasury of said city, and shall be used only for the purposes of a city hospital and for no other or different purpose whatever.

SEC. 4. No more of said bonds shall be issued or sold than shall be necessary for said city hospital.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 134.

[H. F. No. 925.]

AN ACT AUTHORIZING THE CITY OF MINNEAPOLIS TO REIMBURSE PERSONS WHO DEPOSITED MONEY TO BE APPLIED IN PAYMENT FOR LICENSES AND NOT SO APPLIED.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of Minneapolis is hereby authorized and empowered to reimburse, for money deposited for license, the following named persons: Lizzie McGovern, in a sum not exceeding five hundred dollars (\$500); W. Cain, in a sum not exceeding five hundred dollars (\$500); Bernheimer Wine Company, in a sum not exceeding five hundred dollars (\$500); John Sigfried, in a sum not exceeding five hundred dollars (\$500); *Provided*, that nothing in this act shall be so construed as obligatory upon the city of Minneapolis to reimburse said persons, and that said persons, or either of them, shall only be reimbursed after due and satisfactory proof of their respective claim.

SEC. 2. This act shall take effect and be in force from and after its passage

Approved April 11, 1891.

## CHAPTER 135.

[H. F. No. 54.]

AN ACT TO AMEND "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF MINNEAPOLIS," APPROVED MARCH EIGHT (8), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), AS AMENDED.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. Chapter six (6) of the act entitled "An act to amend and consolidate the charter of the city of Minneapolis," approved March eight (8), one thousand eight hundred and eighty-one (1881), as amended by Chapter nine (9) of Special Laws of one thousand eight hundred and eighty-seven (1887), and as further amended by Chapter fifty-one (51) of Special Laws of one thousand eight hundred and eighty-nine (1889), is hereby amended by striking out the whole thereof and substituting in place of the same the following, to-wit:

## CHAPTER VI.

## POLICE DEPARTMENT.

SECTION 1. The mayor shall be vested with all the powers of said city connected with and incident to the establishment, maintenance, appointment, removal, discipline, control and supervision of its police force, subject to the limitations herein contained, and may make all needful rules and regulations for the efficiency and discipline and promulgate and enforce general and special orders for the government of the same, and have the care and custody of all public property connected with the police department of the city. He shall, by and with the consent of the city council, appoint some suitable person as superintendent of police, subject to removal at the pleasure of the mayor, or for cause by a two-thirds ( $\frac{2}{3}$ ) vote of the city council. The mayor shall also appoint all members of the police force, including officers, clerks, inspectors, detectives, patrolmen, watchmen, jailers, teamsters, drivers and other employes, prescribing the title, rank and duties of each, and report a list thereof to the city council; but the total number so appointed shall in no case exceed two hundred and twenty-five (225) persons, unless the said city council shall first consent thereto. Each and every person so appointed shall be subject to removal by the mayor when he shall deem the same necessary after proper investigation, or by the city council for cause, by a two thirds ( $\frac{2}{3}$ ) vote. The mayor may also, in case of riot, large public gatherings or other unusual occasions demanding the same, appoint such number of temporary police as may be needed, but not for a period of more than one (1) week, without the consent of the city council. All policemen so appointed shall possess all the common law and statutory powers of constables, and any warrant for search or arrest issued by any magistrate or court of record in Hennepin county may be executed in any part of said county by any member of said police force.

SEC. 2. The city council shall provide all buildings, facilities and equipments, including station houses, lockups, offices, telegraph and telephone lines and instruments, teams, vehicles, books, blanks, stationery, badges and all other public property as may be necessary or deemed essential to the efficiency of said police force and department; and shall, by resolution, fix the salary and compensation of each member of the force and provide for the payment thereof. The city council shall also fix the amount of the bonds to be required from each officer and the conditions thereof, and pass upon the same; and when so requested by the mayor, shall determine the maximum number of members to constitute said police force.

SEC. 3. The mayor may at any time, at the request of any person, firm, society or organization, or several thereof, appoint special policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property at such places and within such limits as may be designated in such appointment for the term therein mentioned; but such special policemen or watchmen shall not exercise any authority or wear any badge of office outside the limits so designated.

SEC. 4. Before entering upon or exercising any official duty, each and every appointee under this act shall take, subscribe and file in

the office of the city clerk an oath that he will support the constitution of the United States and of the state of Minnesota, and faithfully perform the duties of his office, under direction of the mayor and superintendent of police; and shall also file a bond, in manner, form and amount, as prescribed by the city council, with said city clerk.

SEC. 5. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or shall wear the badge of a policeman or one intended to represent the same or similar thereto, without authority, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty (50) dollars, and in default of the payment of the same may be imprisoned until such fine is paid, not exceeding sixty (60) days.

SEC. 6. All acts and parts of acts, whether contained in the city charter of the city of Minneapolis or in any special law of the state, inconsistent herewith, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved January 27, 1891.

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## CHAPTER 136.

[H. F. No. 444.]

AN ACT AUTHORIZING THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS TO APPOINT ONE (1) OR MORE INSPECTORS OF BREAD FOR SAID CITY AND TO DEFINE THEIR POWERS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Minneapolis is hereby authorized and empowered to appoint one (1) or more inspectors of bread for said city, and to define the powers and to provide for the compensation of such inspector.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

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## CHAPTER 137.

[S. F. No. 653.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section five (5) of chapter four (4) of that certain act entitled "An act to amend and consolidate the charter of the city of Minneapolis," approved March eighth (8th), one thousand eight

hundred and eighty-one (1881), as the same has been amended, be and is hereby further amended by inserting in place of subdivisions "thirty-second" and "forty-fourth" of said section five (5) the following numbered subdivisions respectively:

*Thirty-second*—To do any and all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws and enforce the same within the city.

*Forty-fourth*—To require and provide for the removal throughout the city, or in such districts or on such streets and avenues and in such manner as the council may direct, of any or all swill, offal, garbage, ashes, barnyard litter, manure, rubbish, yard cleanings and the contents of any privy, vault, cesspool or sink, dead animals or any other foul or unhealthy stuff or material, with the authority to assess the expense of such removal upon the property from which such above named matter or things shall be taken; and said council is hereby authorized and empowered to make and enter into a contract or contracts with any person or persons, corporation or corporations, for such removal of said material and substances, or any of the same, on such terms and conditions as it may deem best, and for any time not to exceed five (5) years.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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## CHAPTER. 138.

[S. F. No. 729.]

### AN ACT TO PROVIDE A CONTINGENT FUND FOR THE USE OF THE MAYOR OF THE CITY OF MINNEAPOLIS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the city council of the city of Minneapolis is hereby authorized and directed to annually appropriate and set aside from the general fund of said city the sum of five thousand (5,000) dollars, as a contingent fund, for the use of the mayor of said city.

SEC. 2. Said mayor shall have absolute control over such fund, and may use and expend the same as he may deem best and for the interests of said city of Minneapolis. Said mayor shall tender to the city council detailed statements of all expenditures made under authority of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891,

## CHAPTER 139.

[S. F. No. 769.]

AN ACT TO AMEND CHAPTER THIRTY-FOUR (34), SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING AN ACT TO CONSOLIDATE AND AMEND THE SEVERAL ACTS RELATING TO THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section eighteen (18) of said Chapter thirty-four (34), Special Laws of one thousand eight hundred eighty-nine (1889), be amended by striking out the following words and figures in the fourth (4th) and fifth (5th) lines of said section, to-wit:

“And each of the deputy clerks shall receive a salary of one thousand (1,000) dollars per year,” and insert in lieu thereof the following words and figures, to-wit:

“The first (1st) deputy clerk shall receive a salary of one thousand five hundred (1,500) dollars per year, and the second (2d) deputy clerk shall receive a salary of one thousand (1,000) dollars per year.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 140.

[S. F. No. 179.]

AN ACT TO REGULATE THE ISSUE OF BONDS BY THE BOARD OF PARK COMMISSIONERS OF THE CITY OF MINNEAPOLIS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. No bonds shall be issued by the board of park commissioners of the city of Minneapolis for any purpose whatsoever, except with the consent and upon the direction and approval of the city council of said city.

All bonds so issued by said board shall be countersigned by the mayor and comptroller of said city;

*Provided*, that nothing in this act contained shall be construed as prohibiting the issuance of park bonds to the amount of fifty thousand (50,000) dollars, already ordered by resolution of said board to defray the expense of contemplated improvements.

And it shall be the duty of said board of park commissioners and of the city comptroller to keep an accurate register of all bonds issued, showing the amount, number and date of each bond.

SEC. 2. Any bonds issued by said board, except as provided in this act, shall be void.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

## CHAPTER 141.

[S. F. No. 740.]

### AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Minneapolis is hereby authorized and required, in the manner, under the restrictions and for the purposes hereinafter designated, to issue from time to time, as needed, the bonds of said city, in such denominations, at such times of payment not exceeding thirty (30) years, and at such place of payment as may be deemed best, such bonds to have semiannual interest coupons, at such rate of interest not to exceed four and one-half (4½) per cent per annum, payable at such place or places as said city council shall designate. And said city council is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city that may be obtained; *Provided, however*, that no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds greater than four and one-half (4½) per cent per annum on bonds sold at par. All proceedings under this act shall be by resolution of said city council, to be approved by the mayor and published as provided by the charter of said city.

SEC. 2. Nothing herein shall authorize the issue at any time of bonds to such an amount that the whole amount of the principal of bonds actually issued by said city at the time, together with the proposed issue, less the amount of the bonds of the city of Minneapolis which shall be in and a part of the sinking fund of said city for the payment of bonds as in the charter of said city provided, shall exceed five (5) per cent of the aggregate value of the taxable property of said city as assessed and determined for the purpose of taxation; and the entire amount of the bonds issued under this act shall not exceed in amount the sum of two hundred thousand (200,000) dollars. This act shall not be construed as in any manner prohibiting or interfering with the issue of any and all bonds the issue of which has heretofore been authorized. The signing or countersigning of any bonds purporting to be issued under authority of this act by the city comptroller of said city shall, in respect to all such bonds held by *bona fide* purchasers, be deemed conclusive evidence that the limitations of this section have been observed and complied with.

SEC. 3. The avails of all bonds issued and sold under this act shall be placed in the city treasury of said city and credited to the follow-

ing funds, not to exceed the sum of one hundred eighty-seven thousand and five hundred (187,500) dollars thereof, to the permanent improvement fund of the city. From the avails of such bonds placed in the permanent improvement fund of said city the city council may provide for the payment of all such portions of the expenses of assessable improvements as shall devolve on said city, and also the expense and cost of all bridges, buildings and other permanent improvements, in such proportions and at such times as may be ordered by said city council.

SEC. 4. No more of said bonds shall be issued or sold than shall be necessary for the uses herein contemplated.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 142.

[H. F. No. 497.]

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SHORTHAND REPORTER FOR THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The judges of the municipal court of the city of Minneapolis are hereby authorized, and it shall be their duty, upon the recommendation of the bar of said city, to appoint, by and with the consent of the city council, a stenographic reporter, to make in shorthand writing a true record or report of evidence taken upon the trial of cases in said municipal court, when required by the judges of said court.

SEC. 2. It shall be the duty of said stenographic reporter to keep in shorthand writing a true, full and accurate record of the evidence given upon the trials of issues of fact in said court, when required so to do by the judges of said court.

SEC. 3. The salary of such stenographic reporter shall be fifteen hundred dollars (\$1,500) per annum, payable from the city treasury of the city of Minneapolis, in equal installments, monthly; and further, that when such reporter shall be required by either of the parties to an action to transcribe his record into longhand writing, the fees for such transcription shall be ten (10) cents per folio of one hundred (100) words, to be paid by the party requiring the same, and which fees shall belong to such stenographer.

SEC. 4. Any such reporter shall in the performance of his duties herein prescribed be subject to the orders and directions of said court; and the judges may, by and with the consent of the city council and for good cause, dismiss said reporter and fill any vacancy so created in the manner provided in section one (1) of this act.



SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

## CHAPTER 141.

[S. F. No. 740.]

### AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Minneapolis is hereby authorized and required, in the manner, under the restrictions and for the purposes hereinafter designated, to issue from time to time, as needed, the bonds of said city, in such denominations, at such times of payment not exceeding thirty (30) years, and at such place of payment as may be deemed best, such bonds to have semiannual interest coupons, at such rate of interest not to exceed four and one-half (4½) per cent per annum, payable at such place or places as said city council shall designate. And said city council is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city that may be obtained; *Provided, however*, that no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds greater than four and one-half (4½) per cent per annum on bonds sold at par. All proceedings under this act shall be by resolution of said city council, to be approved by the mayor and published as provided by the charter of said city.

SEC. 2. Nothing herein shall authorize the issue at any time of bonds to such an amount that the whole amount of the principal of bonds actually issued by said city at the time, together with the proposed issue, less the amount of the bonds of the city of Minneapolis which shall be in and a part of the sinking fund of said city for the payment of bonds as in the charter of said city provided, shall exceed five (5) per cent of the aggregate value of the taxable property of said city as assessed and determined for the purpose of taxation; and the entire amount of the bonds issued under this act shall not exceed in amount the sum of two hundred thousand (200,000) dollars. This act shall not be construed as in any manner prohibiting or interfering with the issue of any and all bonds the issue of which has heretofore been authorized. The signing or countersigning of any bonds purporting to be issued under authority of this act by the city comptroller of said city shall, in respect to all such bonds held by *bona fide* purchasers, be deemed conclusive evidence that the limitations of this section have been observed and complied with.

SEC. 3. The avails of all bonds issued and sold under this act shall be placed in the city treasury of said city and credited to the follow-

ing funds, not to exceed the sum of one hundred eighty-seven thousand and five hundred (187,500) dollars thereof, to the permanent improvement fund of the city. From the avails of such bonds placed in the permanent improvement fund of said city the city council may provide for the payment of all such portions of the expenses of assessable improvements as shall devolve on said city, and also the expense and cost of all bridges, buildings and other permanent improvements, in such proportions and at such times as may be ordered by said city council.

SEC. 4. No more of said bonds shall be issued or sold than shall be necessary for the uses herein contemplated.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 142.

[H. F. No. 497.]

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SHORTHAND REPORTER FOR THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The judges of the municipal court of the city of Minneapolis are hereby authorized, and it shall be their duty, upon the recommendation of the bar of said city, to appoint, by and with the consent of the city council, a stenographic reporter, to make in shorthand writing a true record or report of evidence taken upon the trial of cases in said municipal court, when required by the judges of said court.

SEC. 2. It shall be the duty of said stenographic reporter to keep in shorthand writing a true, full and accurate record of the evidence given upon the trials of issues of fact in said court, when required so to do by the judges of said court.

SEC. 3. The salary of such stenographic reporter shall be fifteen hundred dollars (\$1,500) per annum, payable from the city treasury of the city of Minneapolis, in equal installments, monthly; and further, that when such reporter shall be required by either of the parties to an action to transcribe his record into longhand writing, the fees for such transcription shall be ten (10) cents per folio of one hundred (100) words, to be paid by the party requiring the same, and which fees shall belong to such stenographer.

SEC. 4. Any such reporter shall in the performance of his duties herein prescribed be subject to the orders and directions of said court; and the judges may, by and with the consent of the city council and for good cause, dismiss said reporter and fill any vacancy so created in the manner provided in section one (1) of this act.

SEC. 5. The present reporter of said municipal court shall continue to act as the reporter of said court, unless removed as provided in section four (4) hereof, after the passage of this act.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

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## CHAPTER 143.

[H. F. No. 845.]

### AN ACT TO CREATE AND PROVIDE A FUND FOR THE USE AND BENEFIT OF THE MINNEAPOLIS POLICE DEPARTMENT RELIEF ASSOCIATION.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. For the purpose of creating and providing a fund for the use and benefit of the Minneapolis Police Department Relief Association, the city clerk of said city is authorized and required to pay to said relief association fifty (50) per cent of all dog tax collected by and on behalf of said city, and the receipts of the secretary of said relief association to said clerk of the municipal court and city clerk of said city shall be sufficient vouchers for all sums of money so paid by them to said association as provided herein. The fund hereby created shall be used by said relief association for the purposes provided for and contemplated in its articles of incorporation, constitution and by-laws.

*Provided, however,* that the city council shall, by resolution, authorize and direct the city clerk to take the action herein specified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

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## CHAPTER 144.

[S. F. No. 532]

### AN ACT TO AMEND SECTION THREE (3) OF CHAPTER TWO (2) OF CHAPTER TEN (10) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO REDUCE, CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF ALBERT LEA, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section three (3) of chapter two (2) of Chapter ten (10), of the Special Laws of eighteen hundred and eighty-nine (1889),

be and the same is hereby amended by inserting after the words "two (2) years," in the fourteenth (14th) line of said section three (3), "the city justices shall hold their office for two (2) years," and add at the end of said section three (3), "and the city justices elected at the city election on the first (1st) Tuesday of April eighteen hundred and ninety (1890) shall hold their office for the term of two (2) years from the time of their election and until their successors are elected and qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

## CHAPTER 145.

[H. F. No. 412.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF WHEATON, TRAVERSE COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF PROCURING A WATER SUPPLY FOR SAID VILLAGE, THE ERECTION OF WATER WORKS, WITH ALL NECESSARY TANKS AND MACHINERY FOR THE PROPER DISTRIBUTION OF WATER WITHIN THE LIMITS OF SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village council of the village of Wheaton is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding five thousand (5,000) dollars, in such denominations as may by said council be deemed proper, payable in not more than twenty (20) years, and to bear interest at a rate not greater than eight (8) per cent per annum, for the purpose of procuring a water supply for said village and the erection of water works, with all necessary pumps, pipes, tanks, mills and machinery for the proper distribution of water within the limits of said village as a protection against fire, and for the general use and public benefit of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as "Public Improvement Bonds."

SEC. 2. Before issuing any such bonds, the village council of said village shall submit to the legal voters of said village a proposition or propositions, to be voted on by them at any general charter election, or at a special election called for that purpose, which proposition or propositions shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable and the rate of interest they shall bear, within the limitation of the foregoing section; and if at said election a majority of the legal voters voting on said proposition or propositions shall vote "For issuing bonds" on any such proposition, and in accordance therewith, then said bonds may be issued in accordance with said proposition and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 146.

[S. F. No. 747.]

## AN ACT TO AMEND THE CHARTER OF THE CITY OF HASTINGS, RELATING TO THE ELECTION OF OFFICERS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section two (2) of chapter two (2) of the charter of the city of Hastings shall be amended by inserting after the word "clerk," in the second (2d) line of said section, the words, "chief of police, assessor, street commissioner."

SEC. 2. Section three (3) of chapter two (2) shall be amended by inserting after the word "clerk," in the first (1st) line of said section, the words, "chief of police, assessor and street commissioner."

SEC. 3. Section one (1) of chapter three (3) shall be amended by inserting after the word "treasurer," in the fifth (5th) line of said section, the words, "chief of police, city clerk, city assessor, city attorney, street commissioner," and insert after the word "sureties," in the eighth (8th) line of said section, the words, "in a sum not less than five hundred (500) dollars, and for the faithful performance of their duty," and strike from the eleventh (11th) line of said section the words, "from time to time" and the words "new or," after the word "discretion," and insert in lieu thereof the word "any."

SEC. 4. Section two (2) of chapter three (3) shall be amended by inserting in the tenth (10th) line of said section, after the word "watchman," "except chief of police," and in the twelfth (12th) line of said section strike out the word "with" and insert the word "without," and in the thirteenth (13th) line of said section strike out the word "their" and insert the word "his."

SEC. 5. The mayor may discharge the chief of police for insubordination, incompetency or dereliction of duty when, in his judgment, the good of the city demand it. And such vacancy shall be filled by a majority vote of the city for the unexpired term of said chief, who may be discharged at any time by the mayor with the approval of the city council.

SEC. 6. Section six (6) of chapter three (3) shall be amended by striking out the words "attorney, treasurer and street commissioner," in the second (2d) line of said section, and by striking out the words "their respective duties each of whom shall hold their," in the third (3d) line of said section, and insert instead the words "and define his duties who shall hold his."

SEC. 7. Section eighteen (18) of chapter three (3) shall be amended by striking out the words "There shall be a," in the first (1st) line of said section, and insert in lieu thereof the word "The," and by striking out the words, "who shall be appointed by the mayor, by and with the consent of the city council and said chief," in first (1st), second (2d) and third (3d) lines of said section, and insert in the fourth (4th) line of said section, after the word "Minnesota," the words "within the city of Hastings."

SEC. 8. Section nineteen (19) of chapter three (3) shall be amended by striking out, in the first (1st) and second (2d) lines of said section, the words, "Council shall annually in the month of May elect an," and strike out the word "who" where it occurs in the second (2d) line of said section.

SEC. 9. Said assessor shall be entitled to three (3) dollars per day for not to exceed sixty (60) days in any one (1) year, except when required to make and return a census of the population of the city, when the city council may make additional compensation, not to exceed twenty (20) dollars in any one (1) year.

SEC. 10. There shall be elected at the next city election, and every two (2) years thereafter, two (2) school inspectors in the third (3d) ward of said city, who shall hold the office for two (2) years, or until their successors are elected and qualified.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

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## CHAPTER 147.

[H. F. No. 805.]

AN ACT TO LEGALIZE THE ISSUE OF A CERTAIN BOND ISSUED BY THE CITY OF TOWER TO AID IN THE CONSTRUCTION OF A STREET RAILWAY IN SAID CITY.

WHEREAS, The question of the issuance of a bond of the city of Tower, in the county of St. Louis, in the sum of six thousand (6,000) dollars, for the purpose of aiding the Tower & Soudan Street Railway Company in the construction of a street railway in said city and vicinity, and to induce said company to so construct and operate said street railway, was duly submitted to the legal voters of said city, at an election duly called for that purpose and held on the eighteenth (18th) day of March, A. D. eighteen hundred and ninety (1890), and the vote of said electors was duly taken and properly canvassed and declared to be carried in favor of the issuance of such a bond; and

WHEREAS, Pursuant to such election, a bond of the said city of Tower, in the sum of six thousand (6,000) dollars, was, on the first (1st) day of December, A. D. eighteen hundred and ninety (1890), issued to the said Tower & Soudan Street Railway Company, under the name of Tower & Soudan Street Railway; therefore,

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all and singular the acts and proceedings of the city of Tower, and of the common council thereof, in submitting to the legal voters of said city the proposition in regard to the issuance of a bond for the purpose of aiding the Tower & Soudan Street Railway Company in the construction of a street railway in said city and vicinity, as well as the canvass of the vote and making declaration thereof and the issuance of a bond pursuant thereto, to the said Tower & Sou-

dan Street Railway Company, under the name and style of the Tower & Soudan Street Railway, in the sum of six thousand (6,000) dollars, together with the manner, form and order of issuing the same, and the mode of execution thereof, be and the same are hereby in all respects legalized and made valid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 148.

[S. F. No. 753.]

AN ACT TO AUTHORIZE THE CITY OF ANOKA, IN ANOKA COUNTY, TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A STEAM OR ELECTRIC RAILROAD FROM THE CITY OF ANOKA TO THE CITY OF MINNEAPOLIS, IN HENNEPIN COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The city of Anoka, in the county of Anoka and state of Minnesota, is hereby authorized and empowered to issue bonds, to to an amount not exceeding in the aggregate thirty thousand dollars (\$30,000), for the purpose of aiding the constructing of a steam or electric railroad from the said city of Anoka to the city of Minneapolis, in Hennepin county, in said state;

*Provided, however,* that said city shall not issue bonds for the above named purpose to an amount that shall exceed five (5) per centum of the value of the taxable property within said city, the amount of such taxable property to be ascertained by the last assessment of said property made for the purpose of state and county taxation, previous to the incurring of such indebtedness.

SEC. 2. Said bonds shall be issued in denominations not less than five hundred dollars (\$500) each, and bear interest at a rate not exceeding six (6) per cent per annum, payable semiannually. They shall run for a period not exceeding thirty (30) years from the date of their issuance, and shall be made payable to the bearer or order, as the company or corporation receiving the same may elect. Coupons providing for the payment of interest shall be attached to such bonds. Said bonds shall be signed by the mayor and countersigned by the clerk of the city. Both principal and interest of said bonds shall be made payable at some bank or trust company in the city of Minneapolis, Minnesota, or at some bank or trust company in the city of New York, in the state of New York.

SEC. 3. Proceedings for the issuance of such bonds, under the provisions of this act, shall be commenced by petition to the council of said city of Anoka, requesting the appointment of a day for an election to be held in said city of Anoka for the purpose of voting upon the question of issuing such bonds. Such petition shall be signed by at least fifty (50) resident freeholders of said city, and shall state the

name of the company or corporation in aid whereof it is proposed to issue such bonds; also, the gross amount of bonds which it is proposed to issue, the number and size of such bonds, the rate of interest which the same are to bear and the time at which they are to be made payable; and, also, the period in which said road must be built into said city of Anoka, in order to entitle said railroad to the benefit of said bonds.

SEC. 4. Upon presentation of such petition to the council of said city, it shall be the duty of the council to forthwith appoint a day for an election to be held in said city for the purpose of deciding upon the issuance of such bonds, which day shall be far enough distant to admit the giving of notice of such election in the manner herein provided.

Upon appointing such day for election, the council of said city shall give notice of such election and of the time and place thereof in the manner provided by law for city elections in said city. Such notice shall be given at least twenty (20) days before the time of holding such election, and shall contain a copy of the substance of said petition, without the signatures.

SEC. 5. Such election shall be held in the same manner and be conducted by the same officers, and the votes cast thereat shall be canvassed and returned in the same manner as is provided by law for the election of officers in said city.

Those voting at any election held under the provisions of this act in favor of the issuance of such bonds shall have written or printed, or partly written and partly printed, upon their ballots the words "For issuing railway bonds." And those voting against the issuance of such bonds shall have written or printed, or partly written and partly printed, upon their ballots the words, "Against issuing railway bonds."

SEC. 6. In case a majority of the legal voters of said city voting at such election upon such question shall vote in favor of the issuance of such bonds, the council of said city shall, by resolution, order the issuance and delivery of such bonds to the company or corporation constructing such railroad, its successors or assigns, upon the completion of such railroad as in this act provided. And upon such completion it shall be the duty of the mayor and clerk of said city to immediately prepare and deliver, or cause to be prepared and issued and delivered, such bonds to the company or corporation entitled thereto.

No bonds shall be delivered under the provisions of this act until the line of railroad for which such bonds have been issued shall have been built into said city of Anoka, and until the same shall have been made ready for complete operation. In case, under any circumstances, such bonds shall be delivered prior to the time at which such road shall be built into said city or shall be ready for operation, then such bonds shall be null and void.

SEC. 7. In case of the submission of the question of the issuance of such bonds at any election, as herein provided, and of a determination at such election adverse to the issuance thereof, such determination shall not prevent the subsequent submission of the same, or of a similar question; *Provided, however*, that said city council shall not call another election to vote upon the question of issuing bonds pursuant to this act until the expiration of one (1) year after the defeat of such proposition.



SEC. 8. The city clerk of said city shall keep on file in his office a record in writing of all bonds issued under this act, their number, their date, their amounts, the time of their maturity and the name of the company or corporation to which they were issued.

SEC. 9. The city council of said city shall annually levy upon the taxable property of said city an amount of taxes sufficient to pay the interest on said bonds, and shall provide a sinking fund which shall be sufficient to redeem such bonds at their maturity.

Such taxes shall be collected in the manner provided by law for the collection of other taxes. Said sinking fund shall be kept inviolate for the redemption of the bonds hereby authorized and shall be used for no other purpose whatever.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.

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## CHAPTER 149.

[S. F. No. 872.]

AN ACT TO AUTHORIZE THE CITY OF ANOKA TO ISSUE BONDS FOR THE PURPOSE OF REFUNDING THE BONDS ISSUED BY THE SAID CITY OF ANOKA JULY FIFTEEN (15), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), TO BUILD AN ENGINE HOUSE IN SAID CITY OF ANOKA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of Anoka is hereby authorized and empowered to issue the bonds of said city for the purpose of refunding the present bonded indebtedness created and issued by said city of Anoka on the fifteenth (15th) day of July, eighteen hundred and eighty-five (1885), for the purpose of building an engine house in said city of Anoka, to the amount of ten thousand dollars (\$10,000), and falling due July fifteenth (15th) one thousand eight hundred and ninety-one (1891). The said bonds so issued by said city for said purpose shall not exceed in the aggregate the amount of ten thousand dollars (\$10,000).

SEC. 2. Said bonds shall be issued in sums of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), with interest coupons attached, and shall bear interest at a rate not to exceed seven (7) per cent per annum, payable semiannually, at such time or times, not to exceed ten (10) years from the date of said bonds, and at such place or places as the common council of said city of Anoka shall by resolution provide, and said bonds and coupons shall be signed by the mayor of said city of Anoka and countersigned by the city clerk of said city; and the city clerk of said city of Anoka, when said bonds are issued by said city, shall keep a record in his office of all bonds so issued by said city, showing the number, date and amount of such bonds and the name of the person in whose name the same are drawn; and the city council of said city of Anoka

shall have authority to negotiate the sale of said bonds so issued by said city of Anoka in such way as in their judgment shall best subserve the interest of said city of Anoka; but they shall not negotiate or sell said bonds, or any of them, at less than their par value.

SEC. 3. That neither the said bonds, nor the proceeds from the sale thereof, shall be used for any other purpose than that specified in section one (1) of this act.

SEC. 4. The city council of said city of Anoka is hereby authorized and empowered to, and shall, make provision, by the levying of taxes, for the prompt and faithful payment, as the same shall become due, of the principal and interest of the bonds issued by virtue of the authority and power granted by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 150.

[H. F. No. 554.]

### AN ACT TO AUTHORIZE THE CITY OF ORTONVILLE TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF RAILROADS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the city council of the city of Ortonville, in the counties of Big Stone and Lac qui Parle, is hereby authorized to issue the corporate bonds of said city, for an amount not exceeding twenty thousand (20,000) dollars, to aid in the construction of any railroad which when completed will give said city railroad communication with Lake Superior.

SEC. 2. Whenever any two (2) members of the city council and a justice of the peace of said city, or twenty five (25) legal voters of said city, shall file in the office of the city recorder of said city a request in writing, signed by them, stating the amount of bonds proposed to be issued and the rate of interest said bonds shall bear, which interest shall not exceed six (6) per centum per annum, and the name or designation of the railroad proposed to be aided thereby, and requesting that an election be held for the purpose of voting upon the question of issuing such bonds, it shall be the duty of such city recorder, and he is hereby required, to immediately record such request, and within ten (10) days thereafter cause a notice of such election to be posted up in at least three (3) public places in said city, giving at least fifteen (15) days' notice of such election and stating the object of the election and the time and place of holding the same, and also any terms or conditions specified in said request upon which the issuing of said bonds is proposed to be made dependent.

SEC. 3. Such election shall be held at the time and place designated in said notice, and shall be conducted by the same officers and in the same manner as the city elections of said city are held.

The voting on said question shall be by ballot, and those voting in favor of the issue of said bonds shall have written or printed on their ballots the words, "For issue of bonds for railroad," and those voting against the same shall have written or printed on their ballots the words, "Against issue of bonds for railroad."

At the close of said election the result shall be ascertained in the usual manner by a public canvass of all the ballots cast at such election and declared and returned in the same manner as the canvass of votes for city officers of said city.

SEC. 4. If a majority of the votes cast at such election shall be in favor of the issue of such bonds, the city council of said city of Ortonville shall, in the name of said city, make and enter into a contract with any corporation or company having authority to construct such railroad, providing on the part of said city for the issuing of said bonds, signed by the president of the city council and countersigned by the city recorder of said city, to the amount so voted, upon the terms and conditions stated in the said notice of election, and placing the same in escrow in the hands of some responsible bank located in this state, to be delivered to said corporation upon the fulfilling by them of their part of the contract to construct said road ready for the passage of trains, and of its performance and compliance with the terms and conditions stated in said contract, which contract, when executed, shall be binding upon and enforceable by each of the several parties in behalf of which it shall be made, its successors and assigns.

SEC. 5. That the bonds so issued shall be of the denomination, and payable at such times, not exceeding thirty (30) years, as the city council issuing the same shall determine, and shall have coupons for the interest thereupon thereto attached.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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## CHAPTER 151.

[H. F. No. 638.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF RUSH CITY, CHISAGO COUNTY, TO ISSUE THE BONDS OF SAID VILLAGE FOR THE PURPOSE OF FUNDING THE FLOATING INDEBTEDNESS OF SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Rush City — heretofore incorporated under a special act of the legislature, see Chapter twenty-four (24) of Special Laws of one thousand eight hundred and seventy-eight (1878), — is hereby authorized and empowered to issue, at any time prior to the first (1st) day of May, A. D. one thousand eight hundred and ninety-one (1891), the bonds of said village, with interest coupons attached, not exceeding in amount the sum of two thousand (\$2,000) dollars, to fund the floating indebtedness of said village and for no other purpose whatever.

SEC. 2. Said bonds shall be in sums of one thousand (\$1,000) dollars each, and may bear interest at a rate not exceeding seven (7) per cent per annum, payable annually at the office of the treasurer of said village of Rush City, on the surrender of interest coupons, and the principal payable in ten (10) years after the date of said bonds.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the president of said village council and be attested by the recorder of said village, and the said recorder shall keep a record of such bonds issued under the provisions of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 152.

[S. F. No. 342.]

AN ACT TO AMEND "AN ACT TO DEFINE THE BOUNDARIES AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF LITTLE FALLS," AND ACTS AND PARTS OF ACTS AMENDATORY THEREOF.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2) of Chapter sixty-six (66) of the Special Laws of Minnesota of the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended to read as follows: That the following is declared to be section one hundred and forty-three (143) of said act, which reads as follows: "Said city of Little Falls shall be divided into three (3) wards, as follows: The territory on the east side of the Mississippi river south of the centre of Oak street to the east line of said city shall constitute one (1) ward called the first (1st) ward; the territory on the east side of the Mississippi river north of the centre of Oak street to said east line shall be called and known as the second (2d) ward; and the territory on the west side of the Mississippi river to the west line of said city shall be called and known as the third (3d) ward. Each ward shall be and hereby is made a separate election precinct; *Provided*, that the city council of said city may, at any time they deem best, divide the said wards into two (2) or more election precincts each, in accordance with the general laws of Minnesota; *Provided further*, that the city council of said city may, at any time they deem proper, change said ward boundaries or make new wards as they deem best. And the proceeds of any bonds issued for the construction of sewers in said city may be expended for sewers in such wards of said city as the same are, or hereafter may be, constituted, as the city council may determine, and taxes for the payment of the interest and principal of such bonds, shall, as between the several wards, be assessed and levied on the property in each ward in proportion to the amount so allotted for expenditures in each ward bears to the total amount of bonds so issued; *Provided*, that to

the purchasers or holders of such bonds so issued the whole city shall be and remain liable for the payment of the interest and principal thereof."

SEC. 2. That section six (6), title two (2) of Chapter eight (8) of the Special Laws of Minnesota of one thousand eight hundred and eighty-nine (1889), be and the same hereby is amended to read as follows: "The elective officers of said city shall be a treasurer, two (2) justices of the peace and one (1) constable, each of whom shall hold his office for two (2) years and until his successor is elected and qualified; and a mayor, city clerk and assessor, who shall each hold his office for one (1) year and until his successor is elected and qualified; and one (1) alderman, who shall be elected at large and who shall hold his office for one (1) year and until his successor is elected and qualified; and six (6) aldermen, who shall be elected, two (2) from each of the three (3) wards of said city separately. The voters of each ward shall vote for and elect two (2) only of said six (6) aldermen, which two (2) aldermen shall be residents of the ward from which they shall be elected. And said six (6) aldermen shall each hold his office for two (2) years and until his successor is elected and qualified. And said six (6) ward aldermen and one (1) alderman at large shall constitute the common council of said city; *Provided*, that at the annual election for city officers held in the year one thousand eight hundred and ninety-one (1891), three (3) of said six (6) aldermen, one (1) in each of said three (3) wards, shall be nominated and elected for one (1) year and until their successors are elected and qualified, and thereafter shall be elected for two (2) years and until their successors are elected and qualified. The compensation of all city officers shall be fixed as is provided in the original act."

SEC. 3. That the time of closing of all licensed liquor saloons in said city of Little Falls, Minnesota, be and the same hereby is fixed at the hour of twelve (12) midnight, instead of the hour of eleven (11) P. M., said saloons to remain closed from said hour to the hour of five (5) A. M.

SEC. 4. That all acts and parts of acts conflicting with this act be and the same hereby are repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 153.

[H. F. No. 374.]

AN ACT TO AMEND SECTION NINE (9), CHAPTER EIGHTEEN (18) OF SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING AN ACT ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF ANOKA, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section nine (9) of Chapter eighteen (18) of the Special Laws of the state of Minnesota for the year A. D. one thous-

and eight hundred and eighty-nine (1889), entitled "An act to establish a municipal court in the city of Anoka, Minnesota," be amended by inserting in the thirty-first (31st) line thereof, between the words "thereto" and "so," the words "shall apply."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 154.

[S. F. No. 370.]

AN ACT TO AMEND CHAPTER FIFTEEN (15) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT ENTITLED AN ACT ESTABLISHING A MUNICIPAL COURT IN THE CITY OF SAUK CENTRE."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of Chapter fifteen (15) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889) be amended by striking out the words and figures "three hundred (300)," where the same occur in said section, and inserting in lieu thereof the words and figures "five hundred (500)."

SEC. 2. That section five (5) of said chapter be amended so as to read as follows:

Sec. 5. All processes issued out of said court may be served by the sheriff or any constable of the county of Stearns, or by the court officer of said court, or by any police officer of said city; and it shall be the duty of the city council of the said city of Sauk Centre to appoint a police officer of said city, who shall act as officer of said court, who, before entering upon the duties of his office, shall execute a bond to said city, to be approved by said council, in the sum of at least five hundred (500) dollars, conditioned for the faithful performance of the duties of his office. It shall be the duty of said officer to attend said court when required by the judge, to execute its orders and to serve all process within the city limits issued therefrom which may be delivered to him for service, and to perform such other duties as may be required by this act, or by any statute of this state relating to court officers. In case of said officer's absence or inability to act, the said judge may appoint any competent person to act temporarily in his place and stead, who shall possess the same powers and perform the same duties as said court officer. The compensation of said court officer shall be fixed by the city council.

SEC. 3. That section eight (8) of said chapter be amended so as to read as follows:

Sec. 8. The judge of the municipal court shall have the custody and care of the books, papers and records of said court. He shall keep minutes of all proceedings and enter all judgments and make up and keep the records of the court. He shall tax all costs and disbursements allowed in any action, receive and collect all fines and

penalties imposed by the court, and fees of every kind accruing to the court, and keep full detailed and accurate accounts of the same, and shall, on the first (1st) Monday of every month, deliver over to the city clerk of said city of Sauk Centre all moneys so received, with detailed account thereof, and take his receipt therefor, and all moneys so collected shall become the property of said city.

SEC. 4. That section nine (9) of said chapter be amended so as to read as follows:

Sec. 9. The municipal court shall hold regular terms for the trial of civil actions on each and every Tuesday, which term shall continue from day to day, with such adjournments as the court may deem proper, until the business of each term shall be finished, and the court may, by order or rule, appoint such terms to be held oftener or at other times than the days above mentioned. The summons shall be served upon the defendant not less than six (6), nor more than thirty (30), days before the term at which the same is made returnable. All civil actions for the recovery of money shall be commenced by summons or writ of attachment to be issued by the judge. Pleadings in said court may be either orally or in writing, as the court may direct, and shall be verified as in courts of justices of the peace, and shall be filed with the judge on the return day of the writ unless otherwise ordered by the judge. If the defendant fails to appear at the time at which the summons or writ is returnable, he shall be defaulted. If the answer contains a counter claim, the plaintiff shall reply thereto. Either party may demur to any pleading of his adversary as in the district court, but all pleadings in this court shall be construed liberally, and the court may for good cause, in its discretion and on such terms as it may deem equitable, open any default within six (6) months after the same is made and may allow any amendment of any pleading at any time, and shall disregard variance between the allegations of a pleading and the evidence unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to a continuance of any civil action, except in case of the proceedings under the provisions of Chapter eighty-four (84), General Statutes of Minnesota, until the next term of the court following the term at which the summons or writ shall be returnable, and further continuance may be granted upon sufficient cause shown and on such terms as may be just. Said court shall have authority to provide, by rule or order, that the plaintiff in any civil action shall, by bond, recognizance or deposit of money with the court, give security for costs and disbursements in such sum as the court may designate by such rule or order, before any summons or other process shall issue in the action, or at any other time. The counter claim may be such a one as could be interposed in district court.

SEC. 5. That section fifteen (15) of said chapter be amended so as to read as follows:

Sec. 15. Disbursements shall be allowed to the prevailing party in all civil actions in said municipal court, to be taxed on such notice as the court may by rule prescribe. Costs to be taxed as aforesaid shall also be allowed the prevailing party in civil actions, when he appears by attorney, as follows: To the plaintiff on judgment by default, when the amount of the judgment, exclusive of costs and disbursements, or the value of the property recovered exceeds fifty (50) dollars, five (5) dollars; in other default cases, three (3) dollars. To the plaintiff, on

a judgment in his favor after issue joined, when the amount of the judgment, exclusive of costs and disbursements, or the value of the property recovered is less than fifty (50) dollars, three (3) dollars. When such amount or value is not less than fifty (50) dollars, nor greater than one hundred (100) dollars, five (5) dollars. When such amount or value exceeds one hundred (100) dollars, ten (10) dollars.

To the defendant, on dismissal of the action after issue joined and before trial, when the amount claimed by the plaintiff or the value of the property sought to be recovered, as alleged in the complaint, exceeds fifty (50) dollars, five (5) dollars; in other cases of dismissal or discontinuance, three (3) dollars. To the defendant, on a judgment in his favor, after a trial on the merits, when the amount claimed by the plaintiff or the value of the property sought to be recovered, as alleged in the complaint, does not exceed fifty (50) dollars, three (3) dollars. When such amount or value is not less than fifty (50) dollars, nor greater than one hundred (100) dollars, five (5) dollars. When the amount or value exceeds one hundred (100) dollars, ten (10) dollars.

The disbursements shall be stated in detail and verified by affidavit, which shall be filed.

SEC. 6. That section twenty (20) of said chapter be amended by striking out the words and figures, "one thousand (1,000) dollars," where the same occur in said section, and inserting in lieu thereof, the words and figures, "eight hundred (800) dollars."

SEC. 7. That section twenty-one (21) of said chapter be amended so as to read as follows:

Sec. 21. The court officer and all police officers of the said city of Sauk Centre are hereby vested with all the powers of constables under the statutes of Minnesota as well as at common law, and the said court officer and all police officers, in making service of any process or writ, or doing other duty in respect to causes in said court, shall note and return to the court for collection such fees as are or hereafter may be allowed to constables for like services in justices' courts, and all fees charged by the judge or by the court officer, or any police officer of said city, for services performed by him within the corporate limits of said city, shall be collected by the judge as costs and by him be accounted for and paid over to the city clerk of said city as hereinbefore provided; and no police officer of said city, nor the court officer of said municipal court, shall receive for any services by him performed in said court, or in executing its orders, process, warrants or writs within the corporate limits of said city of Sauk Centre, any other or further compensation than the regular salary paid him by said city; and if any fees shall be paid to either of said officers for any such service, he shall forthwith pay the same over to the said municipal court for the use of the said city.

SEC. 8. That section twenty-two (22) of said chapter be amended so as to read as follows:

Sec. 22. The judge of said municipal court may practice in any of the other courts of this state, and in case of sickness, absence or other cause requiring his absence, he may procure any competent and disinterested attorney of said city to act for him. Such attorney so called in shall have all the powers possessed by the municipal judge in such matter, or during such time as he may by written order of such municipal judge be requested so to act, and the compensation of such



special judge when paid by the city shall be deducted from the salary of the judge of the municipal court. Prior to the entry of such appointed person upon the discharge of such judicial functions, the judge shall enter a full copy of such order in the records of the court.

SEC. 9. That section twenty-eight (28) of said chapter be amended so as to read as follows:

Sec. 28. Said court shall receive the following fees, which shall be taxed and collected by the judge in all cases where applicable:

For a summons, garnishee summons or subpoena, fifty (50) cents.

For a writ of attachment or replevin, one (1) dollar.

For entering a judgment for one hundred (100) dollars or less, fifty (50) cents, and for each one hundred (100) dollars or fraction thereof in excess of the first one hundred (100) dollars, seventy-five (75) cents.

For a transcript of judgment, fifty (50) cents.

For all other services performed by said court in any cause the same fees shall be charged and collected as aforesaid as are now or hereafter may be allowed by law to justices of the peace for like services. All sums due the court in any manner, in any civil action, shall be paid to the court before judgment shall be entered therein.

SEC. 10. That section thirty-one (31) of said chapter be and the same is hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

## CHAPTER 155.

[S. F. No. 738.]

AN ACT TO REPEAL SECTION TEN (10) OF AN ACT ENTITLED "AN ACT TO AMEND CHAPTER FIFTEEN (15) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889)," ENTITLED AN ACT ESTABLISHING A MUNICIPAL COURT IN THE CITY OF SAUK CENTRE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section ten (10) of an act of this legislature known as senate file number three hundred and seventy (370), approved March seventeenth (17th), A. D. eighteen hundred and ninety-one (1891), entitled An act to amend Chapter fifteen (15) of the Special Laws of eighteen hundred and eighty-nine (1889), entitled An act establishing a municipal court in the city of Sauk Centre, be and the same is hereby repealed.

SEC. 2. That section thirty-one (31) of said Chapter fifteen (15) of said Special Laws of eighteen hundred and eighty-nine (1889), which was repealed by said section ten (10) of said senate file number three hundred and seventy (370), be and the same is hereby re-enacted, as herein modified, as follows:

Sec. 31. That in any civil action brought in said court, except in cases where a justice court has, or would have, jurisdiction, the de-

fendant may take a change of venue of said cause to the district court of said Stearns county, upon making demand therefor, and filing, on the return day of the summons, or within ten (10) days thereafter, but before the commencement of the trial of said cause, an affidavit to the effect that he believes said municipal court will not decide impartially in said case. Such demand and affidavit shall be in writing, signed by the defendant or his attorney, and filed with the judge of said court, who shall thereupon, within ten (10) days, transfer and certify said cause, together with all process, pleadings and papers therein, to the district court of said county.

Upon the filing of said demand and affidavit as aforesaid, the jurisdiction of said municipal court in said cause shall cease, and thereupon and thereafter the district court shall have and possess the same jurisdiction of said cause as if originally commenced therein.

Any pleading not filed before said change of venue shall be served thereafter within the time and in the same manner, and be answered by reply or counter claim, or any pleading amended, in all respects as required by the practice in the district courts.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 156.

[H. F. No. 561.]

AN ACT TO ESTABLISH AND DEFINE THE BOUNDARIES AND RELATIONS BETWEEN THE CITY OF ORTONVILLE AND THE TOWNSHIP OF ORTONVILLE, AND, TO THAT END, TO MERGE THE TERRITORY WITHIN THE CITY LIMITS OF SAID CITY INTO SAID TOWNSHIP; AND TO REPEAL CHAPTER THREE HUNDRED AND TWO (302) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), AND TO RE-ENACT SECTION EIGHT (8) OF CHAPTER THIRTY-THREE (33) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter three hundred and two (302) of the Special Laws of one thousand eight hundred and eighty-seven (1887), entitled "An Act to repeal section eight (8) of Chapter thirty-three (33) of Special Laws of one thousand eight hundred and eighty-one (1881), and to separate the territory comprised within the city limits of the city of Ortonville from the township of Ortonville, Big Stone county, for all corporate purposes," be and the same is hereby repealed.

SEC. 2. That all the territory now comprised within the city limits of said city of Ortonville be and the same is hereby merged in and made a part of the territory of the township of Ortonville, with the

same effect in all respects as if said Chapter three hundred and two (302) of said laws of one thousand eight hundred and eighty-seven (1887) had never been enacted.

SEC. 3. That section eight (8) of Chapter thirty-three (33) of the Special Laws of one thousand eight hundred and eighty-one (1881), entitled "An act to incorporate the city of Ortonville, in the counties of Big Stone and Lac qui Parle," be and the same is hereby re-enacted as if, in this section, fully and at length set forth, and with the same effect in relation to the indebtedness of said township of Ortonville existing on or before the second (2d) day of March one thousand eight hundred and eighty-seven (1887), as if said section eight (8) had never been repealed.

SEC. 4. Nothing in this act contained shall be construed to re-annex to said city any territory excluded therefrom by Chapter thirty-seven (37) of the Special Laws of one thousand eight hundred and eighty three (1883). All territory then so excluded shall hereafter be, and is hereby declared to have been, ever since such exclusion, part and parcel of said township for all purposes, in all respects as if never included within said city.

SEC. 5. That the ensuing general election, to be held in said town of Ortonville on the tenth (10th) day of March, one thousand eight hundred and ninety-one (1891), shall be held at the usual place of holding elections in the territory comprised within the limits of said city of Ortonville, viz.: at the engine house in said city.

SEC. 6. This act shall be deemed a public act and need not be pleaded or proven in any court in this state.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 157.

[S. F. No. 319.]

### AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW ULM.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The act entitled "An act to reduce, consolidate and amend the charter of the city of New Ulm, in the county of Brown and state of Minnesota," being Chapter four (4) of the Special Laws of the year one thousand eight hundred and eighty-seven (1887), and approved March first (1st), one thousand eight hundred and eighty-seven (1887), is hereby amended as follows:

SEC. 2. Section seven (7) of chapter three (3) of said charter of said city of New Ulm is hereby amended by striking out the following sentence where it occurs therein, to-wit: "He shall have no vote except in a case of a tie, when he shall cast the deciding vote," and insert in lieu thereof the following: "He shall have the right to vote on all matters and things brought before the council, but shall always vote last."

SEC. 3. Section twelve (12) of chapter three (3) of said charter is hereby amended by striking out the proviso contained therein and insert in lieu thereof the following: *Provided*, that in all cases of prosecutions for a breach or violation of any ordinance, law, regulation or by-law of said city or its charter, now in force or hereafter enacted or ordained, cognizable before a city justice and committed within said city, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, does not exceed fifteen (\$15) dollars; *And provided further*, said city justices shall proceed to hear, determine and dispose of, in a summary manner, all causes which shall be brought before them by the police officers of said city or otherwise, either with or without process, for the violation of any ordinances, laws, regulations or by-laws of said city or its charter, which may now be in force or which may be hereafter enacted or ordained.

SEC. 4. Section five (5) of chapter four (4) of said charter is hereby amended by inserting after the words, "these purposes," in the twenty-second (22d) line thereof, the following words, to-wit: "and for the purposes hereinafter named."

SEC. 5. The thirty-first (31st) subdivision of section five (5) of chapter four (4) of said charter is hereby amended by striking out the following words where they occur therein, to-wit: "and their duties and regulate the same," also "and duties and regulate the same."

SEC. 6. Section five (5) of chapter four (4) of said charter is hereby amended by adding another subdivision at the end thereof, to be known as subdivision fifty-first (51st), as follows:

*Fifty-first*—To regulate the construction of buildings and other structures; to prescribe the depth of cellars; the material and method of construction of foundations and foundation walls; the manner of construction and location of drains and sewer pipes; the thickness, material and construction of party walls, partitions and outside walls; the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus; to apportion and adjust such regulations to the height and size of the buildings to be erected; to regulate the construction and location of privies and vaults in such buildings; to prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it may prescribe; to establish, alter or enlarge such building limits from time to time; to provide for the collection of building statistics; to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer; to give such inspectors or other officer authority to enter upon, examine and inspect all buildings in process of construction in said city or within such building limits; and to direct the suspension of any such building operation as shall not conform to such regulations.

*Provided, however*, that neither said city council, nor any inspector or officer of said city, shall have control or regulation of any building erected by the United States or the state of Minnesota.

SEC. 7. Section fourteen (14) of chapter four (4) of said charter is hereby amended by adding at the end thereof the following: All deeds or other conveyances, agreements for purchase or sale, releases, satisfactions, bonds, contracts or other instruments in writing, made and executed for and on behalf of the city, may be signed and executed by the mayor and attested by the city clerk, or in such other manner as the city council may direct.

SEC. 8. Section three (3) of chapter eight (8) of said charter is hereby amended by striking out the words "one hundred dollars," where they occur therein, and insert in lieu thereof the words "two hundred dollars."

SEC. 9. Section four (4) of chapter eight (8) of said charter is hereby amended by striking out the last sentence immediately before the proviso therein contained and inserting in lieu thereof the following: "Each of said members of the board of public works shall hold his office for three (3) years and until his successor shall be appointed and qualified, and all vacancies for the unexpired term of any member thereof shall be filled by said judge of the district court in like manner as original appointments are above provided to be made; *Provided*, that this amendment shall not in any manner affect the term of office of any member of the present board of public works of said city; *And provided*, that at the expiration of the term of office of the present members of said board, there shall be appointed one (1) member for the term of one (1) year, one (1) member for the term of two (2) years and one (1) member for the term of three (3) years, and that thereafter a member of said board shall be appointed annually for the term of three (3) years."

SEC. 10. Section twenty-one (21) of chapter eight (8) of said charter is hereby amended by adding at the end thereof the following: "All special assessments made under the provisions of this charter, and which are not paid to the city treasurer within the time limited for the payment thereof, shall be deemed to be delinquent, and thereupon a penalty of ten (10) per cent of the amount thereof shall immediately attach to and become a part of the assessment as penalty for the non-payment thereof."

SEC. 11. Section twenty-eight (28) of chapter eight (8) of said charter is hereby amended by adding at the end thereof the following: "On all assessment rolls made or directed to be made by the city council there shall be added to the amount due on each delinquent item a sum equal to seven (7) per cent interest on such delinquent item from the day of delinquency to the thirty-first (31st) day of May next ensuing, when the taxes therefor would be paid, and this amount, with the penalty hereinbefore provided, shall be collected as a part of the cost of the improvement as other taxes are collected; *Provided*, that the time of delivery of assessment rolls to the county auditor shall not in any manner affect any assessment made under this charter."

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 158.

[H. F. No. 1099.]

AN ACT TO AUTHORIZE THE CITY OF ST. CLOUD TO ISSUE BONDS TO  
PAY FLOATING INDEBTEDNESS.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of St. Cloud, Minnesota, is hereby authorized and empowered to issue from time to time the bonds of said city, for the purpose of paying the floating indebtedness of said city that now exists or shall hereafter be incurred. It shall require a majority vote of all the members of said council to issue any of said bonds, and the aggregate amount of the same outstanding at any one time shall not exceed the sum of fifteen thousand (15,000) dollars. Said bonds shall be of such denominations and be payable at such times, not more than thirty (30) years from their date, and at such places as the common council may determine, and shall bear interest, to be represented by coupons thereto attached, at a rate not exceeding six (6) per cent per annum, payable annually or semi-annually as said council may determine. Said bonds shall be signed by the mayor and be attested by the clerk of said city and have the corporate seal of said city thereto affixed, and said coupons shall be signed by said mayor and clerk. None of said bonds shall be sold or negotiated for less than their face value.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

## CHAPTER 159.

[S. F. No. 761.]

AN ACT TO ENABLE THE TOWNSHIP OF FAXON, SIBLEY COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE  
CONSTRUCTION OF ANY RAILROAD OR RAILROADS WHICH MAY  
HEREAFTER RUN INTO SAID TOWNSHIP.*Be it Enacted by the Legislature of the State of Minnesota.*

SECTION 1. That the township of Faxon, in the county of Sibley and state of Minnesota, is hereby authorized to issue its bonds as hereinafter provided, to aid in the construction of any railroad or railroads which may hereafter run into said township; *Provided, however,* that said township shall not be allowed to vote bonds for the above named purpose to a greater amount than five (5) per cent of the taxable property of said township as appears upon the assessment roll of the preceding year.

SEC. 2. Whenever a petition shall be presented to the town board of said township signed by fifteen (15) resident freeholders of said township, asking that the question of aiding in the construction of any railroad or railroads as above provided, and stating the amount desired to be furnished as such aid, and the names or designation of the railroad or railroads proposed aided thereby, be submitted to the legal voters of said township of Faxon, it shall be the duty of said town board to immediately give a notice of an election by publication in some newspaper printed and published in said county, also by posting copies thereof in five (5) public places in said township, at least fifteen (15) days before such election, which notice shall specify the time and place of holding such election, the amount of bonds proposed to be issued by the town, the time of payment, how the bonds shall be paid, and the rate of interest to be paid on such bonds, the terms of issue and the delivery of the same. And the voting at such election shall be by ballot; those voting in favor of issuing said bonds having printed [or written], or partly printed and partly written, on their ballots the words, "For issuing bonds—Yes," and those voting against issuing said bonds having printed or written, or partly printed and partly written, on their ballots the words, "For issuing bonds—No."

SEC. 3. Such vote shall be received and canvassed by the judges of election of said town, duly appointed for such purpose in the same manner as votes for township officers are canvassed, and the returns shall be made in the same time and manner as annual election returns are made; and if it appears from such canvass that a majority of the voters present and voting at such election have voted in favor of the issuance of such bonds, then the town board of said township shall cause said bonds to be issued as herein provided.

SEC. 4. Said bonds shall be issued in sums of not less than five hundred (\$500) dollars each, and bear interest at a rate not exceeding five (5) per cent per annum, payable annually. They shall run for a period not exceeding twenty (20) years from their respective dates and be made payable to bearer. The bonds shall be signed by the town board and be countersigned by the town clerk of said town.

SEC. 5. The town board of said town shall annually levy a tax in an amount sufficient to pay the interest on said bonds, and also to pay the principal of said bonds as it becomes due. Such taxes shall be levied and collected as other taxes are now levied and collected.

SEC. 6. No bonds shall be issued and delivered to any railroad company or corporation under the provisions of this act until after the road for which such bonds have been voted shall have been completed ready for the running of cars into said township.

SEC. 7. In case of the submission of the question of issuing bonds as aforesaid, and the same having been voted down in said town, the same question, upon a new petition, may again be submitted in the same manner and with the same effect as at the previous special election; *Provided*, that no more than one (1) special election under this act shall be held in said township in any one (1) year, unless held upon a day of general election in said town.

SEC. 8. The public use and benefit of railroads that may be constructed under this act is hereby declared.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 22, 1891.

## CHAPTER 160.

[S. F. No. 837]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. PETER, IN NICOLLET COUNTY, TO ISSUE THE BONDS OF SAID CITY TO PURCHASE RIGHT OF WAY AND DEPOT GROUNDS TO AID IN CONSTRUCTION OF A RAILROAD FROM MANKATO TO MINNEAPOLIS VIA ST. PETER AND EAST OF WEST LINE OF RANGE TWENTY-SIX (26), THROUGH NICOLLET COUNTY, ON THE WEST SIDE OF MINNESOTA RIVER.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the common council of the city of St. Peter, in Nicollet county, is hereby authorized and empowered to issue the bonds of said city, with interest coupons attached, in a sum not exceeding nine thousand (9,000) dollars, which bonds shall be used for the purpose of purchasing right of way and depot grounds to aid in construction of a railroad to be built from Mankato to Minneapolis via St. Peter and east of west line of range twenty six (26), through Nicollet county on the west side of the Minnesota river.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars each, payable to bearer, or to any person, company or corporation that may be designated by said common council, and may bear interest at a rate not exceeding seven (7) per cent per annum, payable annually, and the principal shall be payable at such time or times, not more than ten (10) years after the date of said bonds, as may be designated by said council. Said bonds and the coupons thereto attached shall be signed by the mayor, attested by the clerk and have the corporate seal of said city thereto attached, and be payable at such place or places as said council may designate.

SEC. 3. Said common council is hereby authorized and empowered, and it is hereby made their duty, to levy a tax from time to time upon the taxable property of said city, sufficient to meet the payment of the interest coupons aforesaid as they shall become due, as well as the principal of said bonds at their maturity.

SEC. 4. Before any bonds shall be issued under the provisions of this act, the question of issuing said bonds shall be submitted to the qualified voters of said city of St. Peter, at an annual or special election to be designated by the common council; *Provided*, that no bonds shall be issued under the provisions of this act after two (2) years from the date of the passage and approval thereof.

The ballots to be used at such election shall have written or printed, or partly written and partly printed, thereon, "For the issuance of \$ (state amount) of bonds to purchase right of way and depot grounds to aid in construction of railroad from Mankato to Minneapolis via St. Peter and east of the west line of range twenty-six (26), through Nicollet county on west side of Minnesota river — Yes," and "For the issuance of \$ (state amount) of bonds to purchase right of way and de-



pot grounds to aid in construction of railroad from Mankato to Minneapolis via St. Peter and east of the west line of range twenty-six (26), through Nicollet county on west side of Minnesota river — No. 77

The notice of said election shall be given and said election held conformable to the provisions of the charter of said city of St. Peter in relation to annual and special elections therein; and the returns of said election shall be made and canvassed in the manner provided for all other city elections in said city; and if it shall appear from the canvass and return of said election that two-thirds ( $\frac{2}{3}$ ) of all the votes cast at such election are in favor of the issuance of said bonds, then the common council may issue said bonds and use the same in the manner hereinbefore provided for; otherwise not.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 161.

[S. F. No. 105.]

AN ACT AUTHORIZING THE VILLAGE COUNCIL OF THE VILLAGE OF NORTHERN PACIFIC JUNCTION, IN CARLTON COUNTY, TO ISSUE BONDS TO LIQUIDATE THE INDEBTEDNESS CREATED IN THE ERECTION OF A COURT HOUSE AND JAIL AT SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Northern Pacific Junction are hereby authorized and empowered to issue the bonds of said village to an amount not exceeding six thousand (6,000) dollars, with interest coupons attached, for the purpose of liquidating and funding, or exchanging for orders issued by said village council in payment for labor performed and material furnished in the construction of a county court house and jail at said village.

SEC. 2. Such bonds shall bear interest at the rate of eight (8) per cent per annum, payable semi-annually, and the principal shall be payable at such time or times as said council shall determine, not exceeding six (6) years from the date of the approval of this act.

SEC. 3. Said bonds shall be signed by the president and attested and sealed by the recorder of said village; and said recorder shall keep a record of all the bonds issued under the provisions of this act, giving number, date and amount, to whom issued and when and where payable.

SEC. 4. The said council, or a majority of them, shall have authority to negotiate said bonds as in their judgment shall be for the best interests of said village; and it shall be the duty of said council to see that the proceeds of said bonds are appropriated and used exclusively for the purpose hereinbefore specified; *Provided*, that none of said bonds shall be negotiated at less than par value.

SEC. 5. Said council and the proper authorities of said village are hereby authorized and directed to apply in payment of said bonds all

sums paid into said village treasury for license to authorize the sale of intoxicating liquors in said village, or so much thereof as will be sufficient to pay the interest accruing on said bonds and the principal at maturity; and in the event of said money paid into the treasury of said village for liquor license as aforesaid being insufficient to pay said interest and principal at maturity, the said council and proper authorities of said village are hereby further authorized and directed to levy an annual tax on the taxable property of said village, in addition to all other taxes required by law to be levied, sufficient to pay the residue of the interest and principal at maturity.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

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## CHAPTER 162.

[S. F. No. 538.]

AN ACT PROVIDING FOR THE ERECTION AND CONSTRUCTION OF A COURT HOUSE AND JAIL AT THE VILLAGE OF ST. VINCENT, AND AUTHORIZING THE ISSUE OF BONDS IN PAYMENT OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of trustees of the village of St. Vincent are authorized and empowered, and it is hereby made their duty under the provisions of this act, to erect and construct a suitable building or buildings for a court house and jail at the village of St. Vincent, county of Kittson, state of Minnesota.

SEC. 2. The said board of trustees shall select a site therefor at the village of St. Vincent, at such place as shall be by them deemed to furnish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility, its proximity to the business portion of said village of St. Vincent.

SEC. 3. The cost of the purchase of the site therefor, and for the construction of the court house and jail, shall not exceed, all told, the sum of eight thousand (8,000) dollars.

SEC. 4. The erection and construction of said building or buildings shall be let by the board of trustees of the village of St. Vincent to the lowest bidder, after advertisement for public proposals for not less than four (4) weeks in one (1) weekly newspaper published at the said village of St. Vincent; *Provided, however*, that such contract price shall not exceed the sum of eight thousand (8,000) dollars, and sufficient bonds shall be required by said board of trustees from the contractor, with not less than two (2) responsible sureties, for the construction and completion of said building or buildings in accordance to the plans and specifications adopted by said board of trustees.

SEC. 5. For the purpose of providing funds to pay the cost and construction of said building or buildings, the board of trustees of

the village of St. Vincent are hereby authorized and empowered, and it is made their duty, to prepare and issue the bonds of said village, running for a term or period not to exceed twenty (20) years, bearing not exceeding eight (8) per cent per annum interest, payable semi-annually, on the first (1st) days of July and January of each year, in denominations of one hundred (100) dollars each, for a sum sufficient to pay the cost of the erection and construction of said building or buildings, not exceeding, however, the sum of eight thousand (8,000) dollars, principal and interest to be payable at such place or places as said village trustees may designate in said bonds. The bonds shall specify upon their face the date, amount, for what purpose issued, the time and place of payment and the rate of interest. They shall be printed or lithographed on good paper, with coupons attached for semi-annual interest; and said bonds and coupons thereto attached shall be severally signed by the president of the board of trustees and recorder of the village of St. Vincent.

SEC. 6. Said bonds shall bear date on the date of their issue, and shall be payable not to exceed twenty (20) years after said date, and principal and interest shall be payable at such place as may be designated in said bonds by said trustees; and the same shall be sold by said board of trustees from time to time, at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of said buildings, and for the purchase of a site therefor.

SEC. 7. The site to be secured shall be taken free and clear from all liens and incumbrances, and the title thereto shall be free and clear of all demands except as to the United States, and shall be paid for out of the proceeds of the sale of such bonds, and the title thereof shall be taken in the name of the county of Kittson.

SEC. 8. In issuing said bonds herein provided for, the terms thereof shall provide that after the expiration of ten (10) years from the date thereof, it shall be optionable with said village trustees, at any time before they shall become due, to redeem such outstanding bonds at par and accrued interest at date of redemption, at such times and in such amounts as the board of trustees or other lawful fiscal agents of said village shall from time to time determine, and under such rules and regulations as they may prescribe.

SEC. 9. The board of trustees are hereby authorized and empowered to levy and collect a tax on the taxable property of said village of St. Vincent sufficient to pay the interest on said bonds promptly as they shall become due and payable, and for the payment thereof at or before their maturity, as in section eight (8) provided, and after the expiration of five (5) years, they shall levy and collect a sinking fund tax for the payment of said bonds sufficient to redeem the same, within the period of their maturity, and as fast as such sinking fund shall become available, they shall redeem such bonds under the provisions of said section eight (8) aforesaid.

SEC. 10. The moneys levied and collected for the payment of the principal or interest of such bonds shall not be used for any other purpose, but shall be held and appropriated solely for the payment of said principal and interest under the provisions of this act.

SEC. 11. Nothing herein contained shall be construed to authorize the issuing of such bonds, unless the majority of the legal voters

present and voting shall vote in favor thereof at a special election to be called by such board of trustees for such purpose, upon ten (10) days' notice as now provided by law for holding special elections; *And provided*, said voting shall be by printed or written ballots with the words, "For issuing bonds for court house and jail," or "Against issuing bonds for court house and jail," and if a majority of all the votes cast be found to be in favor of issuing the bonds, such bonds may issue as herein provided.

SEC. 12. Nothing herein contained shall be construed to authorize said board of trustees to let said contract for the erection of said buildings or to issue said bonds, unless at an election to be subsequently held in the county of Kittson, the county seat of Kittson county shall be changed from Hallock to the village of St. Vincent; in which event, if said village of St. Vincent shall become the county seat of Kittson county at any time within two (2) years from the passage of this act, then, and in such case, the said board of trustees are hereby authorized and empowered to let said contract for the erection of said buildings and issue said bonds as herein provided; and it is in such case made the duty of said board of trustees to comply with the provisions of this act; but in the event of the county seat of said county of Kittson not being changed or moved to the village of St. Vincent within two (2) years from the passage of this act, then, and in such case, this act shall be null and void and of no further force or effect.

SEC. 13. The board of trustees of the village of St. Vincent are hereby authorized and empowered to donate said court house and jail to Kittson county in the event of the village of St. Vincent becoming the county seat of Kittson county at any time within two (2) years from the passage of this act.

SEC. 14. This act shall take effect and be in force from and after its passage and approval.

Approved March 26, 1891.

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## CHAPTER 163.

[H. F. No. 487.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SYSTEM OF ELECTRIC LIGHTS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the village of Worthington, Nobles county, Minnesota, is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of six thousand (\$6,000) dollars, in such denominations as may by said council be deemed proper, payable in not more than twenty (20) years, and to bear interest not greater than seven (7) per

same effect in all respects as if said Chapter three hundred and two (302) of said laws of one thousand eight hundred and eighty-seven (1887) had never been enacted.

SEC. 3. That section eight (8) of Chapter thirty-three (33) of the Special Laws of one thousand eight hundred and eighty-one (1881), entitled "An act to incorporate the city of Ortonville, in the counties of Big Stone and Lac qui Parle," be and the same is hereby re-enacted as if, in this section, fully and at length set forth, and with the same effect in relation to the indebtedness of said township of Ortonville existing on or before the second (2d) day of March one thousand eight hundred and eighty-seven (1887), as if said section eight (8) had never been repealed.

SEC. 4. Nothing in this act contained shall be construed to re-annex to said city any territory excluded therefrom by Chapter thirty-seven (37) of the Special Laws of one thousand eight hundred and eighty three (1883). All territory then so excluded shall hereafter be, and is hereby declared to have been, ever since such exclusion, part and parcel of said township for all purposes, in all respects as if never included within said city.

SEC. 5. That the ensuing general election, to be held in said town of Ortonville on the tenth (10th) day of March, one thousand eight hundred and ninety-one (1891), shall be held at the usual place of holding elections in the territory comprised within the limits of said city of Ortonville, viz.: at the engine house in said city.

SEC. 6. This act shall be deemed a public act and need not be pleaded or proven in any court in this state.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 157.

[S. F. No. 319.]

### AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW ULM.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The act entitled "An act to reduce, consolidate and amend the charter of the city of New Ulm, in the county of Brown and state of Minnesota," being Chapter four (4) of the Special Laws of the year one thousand eight hundred and eighty-seven (1887), and approved March first (1st), one thousand eight hundred and eighty-seven (1887), is hereby amended as follows:

SEC. 2. Section seven (7) of chapter three (3) of said charter of said city of New Ulm is hereby amended by striking out the following sentence where it occurs therein, to-wit: "He shall have no vote except in a case of a tie, when he shall cast the deciding vote," and insert in lieu thereof the following: "He shall have the right to vote on all matters and things brought before the council, but shall always vote last."

SEC. 3. Section twelve (12) of chapter three (3) of said charter is hereby amended by striking out the proviso contained therein and insert in lieu thereof the following: *Provided*, that in all cases of prosecutions for a breach or violation of any ordinance, law, regulation or by-law of said city or its charter, now in force or hereafter enacted or ordained, cognizable before a city justice and committed within said city, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, does not exceed fifteen (\$15) dollars; *And provided further*, said city justices shall proceed to hear, determine and dispose of, in a summary manner, all causes which shall be brought before them by the police officers of said city or otherwise, either with or without process, for the violation of any ordinances, laws, regulations or by-laws of said city or its charter, which may now be in force or which may be hereafter enacted or ordained.

SEC. 4. Section five (5) of chapter four (4) of said charter is hereby amended by inserting after the words, "these purposes," in the twenty-second (22d) line thereof, the following words, to-wit: "and for the purposes hereinafter named."

SEC. 5. The thirty-first (31st) subdivision of section five (5) of chapter four (4) of said charter is hereby amended by striking out the following words where they occur therein, to-wit: "and their duties and regulate the same," also "and duties and regulate the same."

SEC. 6. Section five (5) of chapter four (4) of said charter is hereby amended by adding another subdivision at the end thereof, to be known as subdivision fifty-first (51st), as follows:

*Fifty-first*—To regulate the construction of buildings and other structures; to prescribe the depth of cellars; the material and method of construction of foundations and foundation walls; the manner of construction and location of drains and sewer pipes; the thickness, material and construction of party walls, partitions and outside walls; the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus; to apportion and adjust such regulations to the height and size of the buildings to be erected; to regulate the construction and location of privies and vaults in such buildings; to prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it may prescribe; to establish, alter or enlarge such building limits from time to time; to provide for the collection of building statistics; to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer; to give such inspectors or other officer authority to enter upon, examine and inspect all buildings in process of construction in said city or within such building limits; and to direct the suspension of any such building operation as shall not conform to such regulations.

*Provided, however*, that neither said city council, nor any inspector or officer of said city, shall have control or regulation of any building erected by the United States or the state of Minnesota.

SEC. 7. Section fourteen (14) of chapter four (4) of said charter is hereby amended by adding at the end thereof the following: All deeds or other conveyances, agreements for purchase or sale, releases, satisfactions, bonds, contracts or other instruments in writing, made and executed for and on behalf of the city, may be signed and executed by the mayor and attested by the city clerk, or in such other manner as the city council may direct.

SEC. 8. Section three (3) of chapter eight (8) of said charter is hereby amended by striking out the words "one hundred dollars," where they occur therein, and insert in lieu thereof the words "two hundred dollars."

SEC. 9. Section four (4) of chapter eight (8) of said charter is hereby amended by striking out the last sentence immediately before the proviso therein contained and inserting in lieu thereof the following: "Each of said members of the board of public works shall hold his office for three (3) years and until his successor shall be appointed and qualified, and all vacancies for the unexpired term of any member thereof shall be filled by said judge of the district court in like manner as original appointments are above provided to be made; *Provided*, that this amendment shall not in any manner affect the term of office of any member of the present board of public works of said city; *And provided*, that at the expiration of the term of office of the present members of said board, there shall be appointed one (1) member for the term of one (1) year, one (1) member for the term of two (2) years and one (1) member for the term of three (3) years, and that thereafter a member of said board shall be appointed annually for the term of three (3) years."

SEC. 10. Section twenty-one (21) of chapter eight (8) of said charter is hereby amended by adding at the end thereof the following: "All special assessments made under the provisions of this charter, and which are not paid to the city treasurer within the time limited for the payment thereof, shall be deemed to be delinquent, and thereupon a penalty of ten (10) per cent of the amount thereof shall immediately attach to and become a part of the assessment as penalty for the non-payment thereof."

SEC. 11. Section twenty-eight (28) of chapter eight (8) of said charter is hereby amended by adding at the end thereof the following: "On all assessment rolls made or directed to be made by the city council there shall be added to the amount due on each delinquent item a sum equal to seven (7) per cent interest on such delinquent item from the day of delinquency to the thirty-first (31st) day of May next ensuing, when the taxes therefor would be paid, and this amount, with the penalty hereinbefore provided, shall be collected as a part of the cost of the improvement as other taxes are collected; *Provided*, that the time of delivery of assessment rolls to the county auditor shall not in any manner affect any assessment made under this charter."

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 158.

[H. F. No. 1099.]

AN ACT TO AUTHORIZE THE CITY OF ST. CLOUD TO ISSUE BONDS TO  
PAY FLOATING INDEBTEDNESS.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of St. Cloud, Minnesota, is hereby authorized and empowered to issue from time to time the bonds of said city, for the purpose of paying the floating indebtedness of said city that now exists or shall hereafter be incurred. It shall require a majority vote of all the members of said council to issue any of said bonds, and the aggregate amount of the same outstanding at any one time shall not exceed the sum of fifteen thousand (15,000) dollars. Said bonds shall be of such denominations and be payable at such times, not more than thirty (30) years from their date, and at such places as the common council may determine, and shall bear interest, to be represented by coupons thereto attached, at a rate not exceeding six (6) per cent per annum, payable annually or semi-annually as said council may determine. Said bonds shall be signed by the mayor and be attested by the clerk of said city and have the corporate seal of said city thereto affixed, and said coupons shall be signed by said mayor and clerk. None of said bonds shall be sold or negotiated for less than their face value.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

## CHAPTER 159.

[S. F. No. 761.]

AN ACT TO ENABLE THE TOWNSHIP OF FAXON, SIBLEY COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE  
CONSTRUCTION OF ANY RAILROAD OR RAILROADS WHICH MAY  
HEREAFTER RUN INTO SAID TOWNSHIP.*Be it Enacted by the Legislature of the State of Minnesota.*

SECTION 1. That the township of Faxon, in the county of Sibley and state of Minnesota, is hereby authorized to issue its bonds as hereinafter provided, to aid in the construction of any railroad or railroads which may hereafter run into said township; *Provided, however,* that said township shall not be allowed to vote bonds for the above named purpose to a greater amount than five (5) per cent of the taxable property of said township as appears upon the assessment roll of the preceding year.



SEC. 2. Whenever a petition shall be presented to the town board of said township signed by fifteen (15) resident freeholders of said township, asking that the question of aiding in the construction of any railroad or railroads as above provided, and stating the amount desired to be furnished as such aid, and the names or designation of the railroad or railroads proposed aided thereby, be submitted to the legal voters of said township of Faxon, it shall be the duty of said town board to immediately give a notice of an election by publication in some newspaper printed and published in said county, also by posting copies thereof in five (5) public places in said township, at least fifteen (15) days before such election, which notice shall specify the time and place of holding such election, the amount of bonds proposed to be issued by the town, the time of payment, how the bonds shall be paid, and the rate of interest to be paid on such bonds, the terms of issue and the delivery of the same. And the voting at such election shall be by ballot; those voting in favor of issuing said bonds having printed [or written], or partly printed and partly written, on their ballots the words, "For issuing bonds—Yes," and those voting against issuing said bonds having printed or written, or partly printed and partly written, on their ballots the words, "For issuing bonds—No."

SEC. 3. Such vote shall be received and canvassed by the judges of election of said town, duly appointed for such purpose in the same manner as votes for township officers are canvassed, and the returns shall be made in the same time and manner as annual election returns are made; and if it appears from such canvass that a majority of the voters present and voting at such election have voted in favor of the issuance of such bonds, then the town board of said township shall cause said bonds to be issued as herein provided.

SEC. 4. Said bonds shall be issued in sums of not less than five hundred (\$500) dollars each, and bear interest at a rate not exceeding five (5) per cent per annum, payable annually. They shall run for a period not exceeding twenty (20) years from their respective dates and be made payable to bearer. The bonds shall be signed by the town board and be countersigned by the town clerk of said town.

SEC. 5. The town board of said town shall annually levy a tax in an amount sufficient to pay the interest on said bonds, and also to pay the principal of said bonds as it becomes due. Such taxes shall be levied and collected as other taxes are now levied and collected.

SEC. 6. No bonds shall be issued and delivered to any railroad company or corporation under the provisions of this act until after the road for which such bonds have been voted shall have been completed ready for the running of cars into said township.

SEC. 7. In case of the submission of the question of issuing bonds as aforesaid, and the same having been voted down in said town, the same question, upon a new petition, may again be submitted in the same manner and with the same effect as at the previous special election; *Provided*, that no more than one (1) special election under this act shall be held in said township in any one (1) year, unless held upon a day of general election in said town.

SEC. 8. The public use and benefit of railroads that may be constructed under this act is hereby declared.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 22, 1891.

## CHAPTER 160.

[S. F. No. 837]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. PETER, IN NICOLLET COUNTY, TO ISSUE THE BONDS OF SAID CITY TO PURCHASE RIGHT OF WAY AND DEPOT GROUNDS TO AID IN CONSTRUCTION OF A RAILROAD FROM MANKATO TO MINNEAPOLIS VIA ST. PETER AND EAST OF WEST LINE OF RANGE TWENTY-SIX (26), THROUGH NICOLLET COUNTY, ON THE WEST SIDE OF MINNESOTA RIVER.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the common council of the city of St. Peter, in Nicollet county, is hereby authorized and empowered to issue the bonds of said city, with interest coupons attached, in a sum not exceeding nine thousand (9,000) dollars, which bonds shall be used for the purpose of purchasing right of way and depot grounds to aid in construction of a railroad to be built from Mankato to Minneapolis via St. Peter and east of west line of range twenty six (26), through Nicollet county on the west side of the Minnesota river.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars each, payable to bearer, or to any person, company or corporation that may be designated by said common council, and may bear interest at a rate not exceeding seven (7) per cent per annum, payable annually, and the principal shall be payable at such time or times, not more than ten (10) years after the date of said bonds, as may be designated by said council. Said bonds and the coupons thereto attached shall be signed by the mayor, attested by the clerk and have the corporate seal of said city thereto attached, and be payable at such place or places as said council may designate.

SEC. 3. Said common council is hereby authorized and empowered, and it is hereby made their duty, to levy a tax from time to time upon the taxable property of said city, sufficient to meet the payment of the interest coupons aforesaid as they shall become due, as well as the principal of said bonds at their maturity.

SEC. 4. Before any bonds shall be issued under the provisions of this act, the question of issuing said bonds shall be submitted to the qualified voters of said city of St. Peter, at an annual or special election to be designated by the common council; *Provided*, that no bonds shall be issued under the provisions of this act after two (2) years from the date of the passage and approval thereof.

The ballots to be used at such election shall have written or printed, or partly written and partly printed, thereon, "For the issuance of \$ (state amount) of bonds to purchase right of way and depot grounds to aid in construction of railroad from Mankato to Minneapolis via St. Peter and east of the west line of range twenty-six (26), through Nicollet county on west side of Minnesota river—Yes," and "For the issuance of \$ (state amount) of bonds to purchase right of way and de-

pot grounds to aid in construction of railroad from Mankato to Minneapolis via St. Peter and east of the west line of range twenty-six (26), through Nicollet county on west side of Minnesota river — No."

The notice of said election shall be given and said election held conformable to the provisions of the charter of said city of St. Peter in relation to annual and special elections therein; and the returns of said election shall be made and canvassed in the manner provided for all other city elections in said city; and if it shall appear from the canvass and return of said election that two-thirds ( $\frac{2}{3}$ ) of all the votes cast at such election are in favor of the issuance of said bonds, then the common council may issue said bonds and use the same in the manner hereinbefore provided for; otherwise not.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 161.

[S. F. No. 105.]

AN ACT AUTHORIZING THE VILLAGE COUNCIL OF THE VILLAGE OF NORTHERN PACIFIC JUNCTION, IN CARLTON COUNTY, TO ISSUE BONDS TO LIQUIDATE THE INDEBTEDNESS CREATED IN THE ERECTION OF A COURT HOUSE AND JAIL AT SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Northern Pacific Junction are hereby authorized and empowered to issue the bonds of said village to an amount not exceeding six thousand (6,000) dollars, with interest coupons attached, for the purpose of liquidating and funding, or exchanging for orders issued by said village council in payment for labor performed and material furnished in the construction of a county court house and jail at said village.

SEC. 2. Such bonds shall bear interest at the rate of eight (8) per cent per annum, payable semi-annually, and the principal shall be payable at such time or times as said council shall determine, not exceeding six (6) years from the date of the approval of this act.

SEC. 3. Said bonds shall be signed by the president and attested and sealed by the recorder of said village; and said recorder shall keep a record of all the bonds issued under the provisions of this act, giving number, date and amount, to whom issued and when and where payable.

SEC. 4. The said council, or a majority of them, shall have authority to negotiate said bonds as in their judgment shall be for the best interests of said village; and it shall be the duty of said council to see that the proceeds of said bonds are appropriated and used exclusively for the purpose hereinbefore specified; *Provided*, that none of said bonds shall be negotiated at less than par value.

SEC. 5. Said council and the proper authorities of said village are hereby authorized and directed to apply in payment of said bonds all

sums paid into said village treasury for license to authorize the sale of intoxicating liquors in said village, or so much thereof as will be sufficient to pay the interest accruing on said bonds and the principal at maturity; and in the event of said money paid into the treasury of said village for liquor license as aforesaid being insufficient to pay said interest and principal at maturity, the said council and proper authorities of said village are hereby further authorized and directed to levy an annual tax on the taxable property of said village, in addition to all other taxes required by law to be levied, sufficient to pay the residue of the interest and principal at maturity.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

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## CHAPTER 162.

[S. F. No. 538.]

AN ACT PROVIDING FOR THE ERECTION AND CONSTRUCTION OF A COURT HOUSE AND JAIL AT THE VILLAGE OF ST. VINCENT, AND AUTHORIZING THE ISSUE OF BONDS IN PAYMENT OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of trustees of the village of St. Vincent are authorized and empowered, and it is hereby made their duty under the provisions of this act, to erect and construct a suitable building or buildings for a court house and jail at the village of St. Vincent, county of Kittson, state of Minnesota.

SEC. 2. The said board of trustees shall select a site therefor at the village of St. Vincent, at such place as shall be by them deemed to furnish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility, its proximity to the business portion of said village of St. Vincent.

SEC. 3. The cost of the purchase of the site therefor, and for the construction of the court house and jail, shall not exceed, all told, the sum of eight thousand (8,000) dollars.

SEC. 4. The erection and construction of said building or buildings shall be let by the board of trustees of the village of St. Vincent to the lowest bidder, after advertisement for public proposals for not less than four (4) weeks in one (1) weekly newspaper published at the said village of St. Vincent; *Provided, however*, that such contract price shall not exceed the sum of eight thousand (8,000) dollars, and sufficient bonds shall be required by said board of trustees from the contractor, with not less than two (2) responsible sureties, for the construction and completion of said building or buildings in accordance to the plans and specifications adopted by said board of trustees.

SEC. 5. For the purpose of providing funds to pay the cost and construction of said building or buildings, the board of trustees of

the village of St. Vincent are hereby authorized and empowered, and it is made their duty, to prepare and issue the bonds of said village, running for a term or period not to exceed twenty (20) years, bearing not exceeding eight (8) per cent per annum interest, payable semi-annually, on the first (1st) days of July and January of each year, in denominations of one hundred (100) dollars each, for a sum sufficient to pay the cost of the erection and construction of said building or buildings, not exceeding, however, the sum of eight thousand (8,000) dollars, principal and interest to be payable at such place or places as said village trustees may designate in said bonds. The bonds shall specify upon their face the date, amount, for what purpose issued, the time and place of payment and the rate of interest. They shall be printed or lithographed on good paper, with coupons attached for semi-annual interest; and said bonds and coupons thereto attached shall be severally signed by the president of the board of trustees and recorder of the village of St. Vincent.

SEC. 6. Said bonds shall bear date on the date of their issue, and shall be payable not to exceed twenty (20) years after said date, and principal and interest shall be payable at such place as may be designated in said bonds by said trustees; and the same shall be sold by said board of trustees from time to time, at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of said buildings, and for the purchase of a site therefor.

SEC. 7. The site to be secured shall be taken free and clear from all liens and incumbrances, and the title thereto shall be free and clear of all demands except as to the United States, and shall be paid for out of the proceeds of the sale of such bonds, and the title thereof shall be taken in the name of the county of Kittson.

SEC. 8. In issuing said bonds herein provided for, the terms thereof shall provide that after the expiration of ten (10) years from the date thereof, it shall be optionable with said village trustees, at any time before they shall become due, to redeem such outstanding bonds at par and accrued interest at date of redemption, at such times and in such amounts as the board of trustees or other lawful fiscal agents of said village shall from time to time determine, and under such rules and regulations as they may prescribe.

SEC. 9. The board of trustees are hereby authorized and empowered to levy and collect a tax on the taxable property of said village of St. Vincent sufficient to pay the interest on said bonds promptly as they shall become due and payable, and for the payment thereof at or before their maturity, as in section eight (8) provided, and after the expiration of five (5) years, they shall levy and collect a sinking fund tax for the payment of said bonds sufficient to redeem the same, within the period of their maturity, and as fast as such sinking fund shall become available, they shall redeem such bonds under the provisions of said section eight (8) aforesaid.

SEC. 10. The moneys levied and collected for the payment of the principal or interest of such bonds shall not be used for any other purpose, but shall be held and appropriated solely for the payment of said principal and interest under the provisions of this act.

SEC. 11. Nothing herein contained shall be construed to authorize the issuing of such bonds, unless the majority of the legal voters

present and voting shall vote in favor thereof at a special election to be called by such board of trustees for such purpose, upon ten (10) days' notice as now provided by law for holding special elections; *And provided*, said voting shall be by printed or written ballots with the words, "For issuing bonds for court house and jail," or "Against issuing bonds for court house and jail," and if a majority of all the votes cast be found to be in favor of issuing the bonds, such bonds may issue as herein provided.

SEC. 12. Nothing herein contained shall be construed to authorize said board of trustees to let said contract for the erection of said buildings or to issue said bonds, unless at an election to be subsequently held in the county of Kittson, the county seat of Kittson county shall be changed from Hallock to the village of St. Vincent; in which event, if said village of St. Vincent shall become the county seat of Kittson county at any time within two (2) years from the passage of this act, then, and in such case, the said board of trustees are hereby authorized and empowered to let said contract for the erection of said buildings and issue said bonds as herein provided; and it is in such case made the duty of said board of trustees to comply with the provisions of this act; but in the event of the county seat of said county of Kittson not being changed or moved to the village of St. Vincent within two (2) years from the passage of this act, then, and in such case, this act shall be null and void and of no further force or effect.

SEC. 13. The board of trustees of the village of St. Vincent are hereby authorized and empowered to donate said court house and jail to Kittson county in the event of the village of St. Vincent becoming the county seat of Kittson county at any time within two (2) years from the passage of this act.

SEC. 14. This act shall take effect and be in force from and after its passage and approval.

Approved March 26, 1891.

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## CHAPTER 163.

[H. F. No. 487.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SYSTEM OF ELECTRIC LIGHTS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the village of Worthington, Nobles county, Minnesota, is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of six thousand (6,000) dollars, in such denominations as may by said council be deemed proper, payable in not more than twenty (20) years, and to bear interest not greater than seven (7) per

cent per annum, for the purpose of erecting and maintaining an electric light plant with all necessary machinery, dynamos and wires, necessary for the proper distribution of electric lights within the limits of said village; *Provided*, that said bonds shall not be sold for less than their par value.

SEC. 2. Before issuing any such bonds, the common council shall submit to the legal voters of said village the proposition to be voted on by them at any general or village election, or at a special election called for that purpose, which proposition shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, and the time when payable. If at said election a majority of the legal voters voting on said proposition, shall vote "For issuing bonds," then said bonds may be issued in accordance with said proposition, and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 164.

[H. F. No. 755.]

AN ACT TO AUTHORIZE THE VILLAGE OF SAUK RAPIDS, IN BENTON COUNTY, TO ISSUE BONDS TO PROVIDE FIRE PROTECTION AND WATER FOR SAID VILLAGE AND ITS INHABITANTS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Sauk Rapids, in the county of Benton, is hereby authorized and empowered to issue the bonds of said village in the sum of twenty-five thousand dollars (\$25,000), for the purpose of supplying said village and its inhabitants with water and providing fire protection.

SEC. 2. Such bonds shall be issued in such denominations, be made payable at such time or times and at such place, and bear such rate of interest, not exceeding six (6) per cent, payable semi-annually, as such council shall by resolution determine. Said bonds shall be signed by the president of said village and countersigned by the village recorder of said village and sealed with the corporate seal of said village; and the village recorder of said village shall keep in his office a record of said bonds, showing the number, amount, rate of interest and length of time the same are to run, and the name of the person to whom the same are issued.

SEC. 3. Said council shall have the power to negotiate and sell said bonds in such manner as it shall deem most advisable; but none of said bonds shall be sold or negotiated at less than their par value, and the proceeds of said bonds shall be used by said council in providing water and fire protection for said village and its inhabitants, in such manner as in the judgment of said council will best subserve the interests of said village.

SEC. 4. Said council shall make provision, by the levying of sufficient taxes, for the payment of said bonds and interest thereon as the same shall fall due.

SEC. 5. Before it shall be lawful for said council to issue any of said bonds, the question of such issuance shall be submitted to the legal voters of such village at some general election, or a special election called for that purpose. Such elections shall be held, and the votes thereat canvassed, in the usual manner of holding elections and canvassing votes in said village. Whenever said council shall determine to submit such question to the legal voters of said village, the same shall be done by resolution, and the notice of such election shall state that the proposition to issue the bonds herein provided for will be voted on at such election. The ballots used at such election shall have written or printed thereon the words, "For the issue of water works bonds—Yes," or, "For the issue of water works bonds—No." If it shall be found on a canvass of the votes cast at such election that a majority of the voters present and voting at such election have voted in favor of the issuance of said bonds, it shall then be lawful for said council to issue the same as above provided; *Provided*, the question of the issuance of said bonds may be resubmitted to the legal voters of said village as often as the said council may deem advisable.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 165.

[H. F. No. 771.]

### AN ACT TO AUTHORIZE THE CITY OF STILLWATER TO ISSUE BONDS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Stillwater is hereby authorized to issue the bonds of said city under its corporate seal, in an amount not exceeding sixty thousand dollars (\$60,000), in such sums or denominations, bearing semi-annual interest, not exceeding five (5) per cent per annum, payable at the city of New York, or such other place as they may decide, together with interest coupons thereto attached, principal payable at a time not later than thirty (30) years after their date.

Said bonds shall be signed by the mayor and attested by the city clerk of said city and sealed with its corporate seal, to the payment of which, as well as the interest they shall bear, the faith and credit of the city of Stillwater shall stand pledged.

Said bonds shall be denominated permanent improvement fund bonds, series of one thousand eight hundred and ninety-one (1891), shall be disposed of by the finance committee of said city for not less than par; and the proceedings arising therefrom shall be used in the payment of existing indebtedness of said city, representing moneys borrowed in anticipation of the current revenue of said city as evidenced by outstanding notes given therefor.



The city council of said city is hereby authorized and directed to cause to be levied, annually, a tax upon the taxable property of said city, in addition to all other taxes authorized by law, sufficient to pay the principal and interest of said bonds as each shall become due and payable, and to pay the same respectively as soon as due.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

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## CHAPTER 166.

[S. F. No. 857.]

AN ACT TO AUTHORIZE THE VILLAGE OF BRECKENRIDGE, IN WILKIN COUNTY, TO CONSTRUCT AND MAINTAIN A SYSTEM OF WATER WORKS IN SAID VILLAGE AND TO ISSUE ITS BONDS IN THE AMOUNT OF TEN THOUSAND (10,000) DOLLARS TO PAY FOR THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village of Breckenridge, in the county of Wilkin, Minnesota, is hereby authorized and empowered to construct a system of water works for said village, and for that purpose to issue and negotiate the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of ten thousand (10,000) dollars, payable at such times and places, and drawing such annual rates of interest, not to exceed seven (7) per cent per annum, as the village council of said village by resolution shall determine.

SEC. 2. The village council of said village shall, and they are hereby authorized to, levy a tax upon the taxable property of said village, of an amount sufficient to pay the interest of said bonds issued under the provisions of this act, and to pay the principal of said bonds as they mature.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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## CHAPTER 167.

[S. F. No. 87.]

AN ACT AUTHORIZING THE CITY OF LITTLE FALLS TO ISSUE BONDS FOR THE CONSTRUCTION AND PROVISION OF FIRE DEPARTMENT BUILDINGS IN AND FOR SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the common council of the city of Little Falls, by a majority vote of its members, shall have power and authority to

issue and negotiate the bonds of said city to an amount not exceeding fifteen thousand (15,000) dollars, to raise money with which to provide and construct fire department buildings in and for said city. Said bonds shall be of the denomination of five hundred (500) dollars each, and payable not more than thirty (30) years after their date, with interest not exceeding five and one-half (5½) per cent per annum, payable annually. And none of said bonds shall be negotiated for less than par and may be issued from time to time as needed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

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## CHAPTER 168.

[H. F. No. 464.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF WELLS, FARIBAULT COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF PURCHASING A LOCATION FOR, AND ERECTING THEREON AND FURNISHING, A PUBLIC HALL IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Wells, in the town of Clark, in the county of Faribault, are hereby authorized to issue bonds for the purpose of purchasing a location, and erecting thereon and furnishing, a public hall, not to exceed in the aggregate the sum of eight thousand (\$8,000) dollars, to be issued in such denominations and payable at such time or times, not more than twenty (20) years, and drawing such interest, not exceeding seven (7) per cent per annum, and at such place or places as the said village council may determine.

SEC. 2. Said bonds shall be signed by the president of said village council, and countersigned by the recorder of said village; and the said recorder shall keep a record of all bonds issued under the provisions of this act, giving dates, numbers and amounts, to whom issued and when payable.

SEC. 3. Said village council shall, and are hereby authorized and empowered to, levy an annual tax on all the taxable property of the said village, in addition to all its other taxes required by law to be levied, sufficient to pay the interest on said bonds as it becomes due, and also to levy an additional tax sufficient to pay the principal of said bonds, at the time or times when the same shall become due and payable; which taxes shall be levied and collected in the same manner as other taxes for village purposes are levied and collected.

SEC. 4. Before it shall be lawful for the said village council to issue such bonds, the proposition to issue the same shall be submitted to the legal voters of said village for their approval or rejection, at any annual or special meeting of said village, due notice as provided by law in other elections or special meetings, stating the proposition to be acted upon, being given. The ballots used at such election

shall have written thereon the words, "For the issue of bonds for purchasing a location for, and erecting thereon and furnishing, a public hall in the village of Wells," or the words, "Against the issue of bonds for purchasing a location for, and erecting thereon and furnishing, a public hall in the village of Wells;" and said ballots shall be cast at said meeting in the same manner, and canvassed by the same officers, as votes cast at annual village elections in said village are cast and canvassed; and if it shall be found upon such canvass that a majority of the voters present and voting at such election have voted in favor of such proposition, then the issue of said bonds so voted shall be lawful and said bonds so issued shall be lawful to all intents and purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 169.

[H. F. No. 878.]

### AN ACT AUTHORIZING THE VILLAGE COUNCIL OF THE VILLAGE OF ARGYLE, MARSHALL COUNTY, TO ISSUE BONDS FOR RAILROAD PURPOSES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Argyle, Marshall county, are hereby authorized to issue bonds of the said village for the purpose of building or aiding any railroad company or railroads that may enter said village, in a sum not exceeding ten thousand dollars (\$10,000) and in such denominations as the village council may determine.

SEC. 2. Said bonds shall bear interest at a rate not to exceed six (6) per cent per annum, payable semi-annually at such place as the village council shall direct, and the principal of said bonds shall be payable as the village council may direct, at a time or times not less than two (2) years, nor more than twenty (20) years, from date of issue.

SEC. 3. The proper authorities of said village shall annually levy and collect, in the same manner as other village taxes are levied and collected, in addition to all other taxes, an amount sufficient to pay the interest accruing upon said bonds, and the said bonds as they shall mature.

SEC. 4. The bonds issued under the provisions of this act shall be signed by the president of the village council and countersigned by the recorder of said village and have attached thereto the seal of the village recorder, and said bonds shall have interest coupons attached thereto, which coupons shall be signed by the president [of the village council] and the village recorder shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued, and when payable.

SEC. 5. The said village council shall negotiate said bonds as in their judgment shall be for the best interests of the village; *Provided*, that said bonds shall not be negotiated for less than their par value.

SEC. 6. The said proposition to vote said bonds, to be submitted to the electors of the village of Argyle at any general election, or at a special election called for that purpose by said village council, at any time after the passage of this act, upon petition presented to them, signed by twelve (12) freeholders of said village, requesting that said special election be called, or requesting that said proposition be submitted to the electors of said village at the general election therein designated; and it is hereby made the duty of the village recorder to give notice of the same, in the same manner as notices of annual or special town meetings are by law required to be given, that said proposition shall be submitted to a vote of the electors at such meeting, and which notices shall state substantially the amount of the bonds proposed to be raised; but the failure of the village recorder to give notice, as hereinbefore provided, shall not invalidate such election.

Those voting in favor of said issue of bonds shall have written or printed, or partly written and partly printed, on the ballots used, the words, "For the issue of bonds for railroad purposes," and those voting against the same, the words, "Against issue of bonds for railroad purposes," and the voting shall be conducted in the same manner as prescribed by law for the election of village officers. And the vote shall be counted, returned and canvassed in the same manner as votes cast for village officers; and if upon such canvass it appears that a majority of all the votes cast on said proposition shall be in favor of issuing said bonds, the village council shall issue said bonds, as provided by this act, and not otherwise.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 170.

[H. F. No. 758.]

### AN ACT TO AUTHORIZE THE VILLAGE OF JACKSON TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING WATER WORKS, PUBLIC BUILDINGS AND MAKING PUBLIC IMPROVEMENTS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Jackson, in the county of Jackson, is hereby authorized and empowered to issue from time to time the bonds of said village of Jackson, to a total amount not to exceed ten thousand dollars (\$10,000), for the purpose of raising such funds from time to time as said village council may deem necessary for the purpose of constructing and maintaining water works for said village and for the purpose of defraying the cost and expense of acquiring such property as may be necessary for such con-

struction and maintenance of water works, and for the purpose of erecting and constructing a village jail or village hall, or either or both of them, and of making any other local improvements in or for said village that may from time to time hereafter be determined upon or deemed necessary by the village council of said village.

SEC. 2. Such bonds shall be issued with interest coupons attached, and shall be payable at such time, not exceeding twenty (20) years from the date thereof, and at such places, and shall have such rate of interest, not exceeding (6) per cent per annum, as may be determined by said village council. Said bonds shall not be negotiated or sold for less than the par value thereof. Said bonds shall be issued under the corporate seal of the said village and shall be signed by the president and attested by the recorder of said village.

SEC. 3. No bonds shall be issued under the foregoing provisions of this act until the issue thereof shall be authorized by a majority of the legal voters of said village, voting at any annual or special election of said village; and notice of the submission of the proposal to issue bonds shall be given, upon the resolution of the council, by the recorder of the village, by posting such notice in three (3) public places in the village, at least ten (10) days before such election. Such notice shall state the amount of the bonds and the purpose or purposes for which the same are proposed to be issued, and the ballots upon the question of issuing the same shall read either "For issuing bonds" or "Against issuing bonds." The vote shall be counted and proclaimed in the same manner as is provided in the case of village elections, and a true statement of such vote, together with an affidavit of the posting of the notice of election, shall be copied by the recorder into the records of the village council; and such record shall be *prima facie* evidence of such vote and of the giving of notice of such election as therein stated.

SEC. 4. For the purpose of paying the principal and interest of any and all bonds issued under the provisions of this act, it is hereby made the duty of the village council of said village to levy an annual tax on the taxable property of said village sufficient to pay the interest accruing upon said bonds, and, in the discretion of the council, such further sums as it may deem expedient, not exceeding five (5) per cent of the amount of such bonds, which tax shall constitute a fund for the payment of such bonds and the interest thereon; and no part thereof shall be applied or appropriated to any other purpose whatever until said bonds and interest are paid, which annual tax shall be levied and collected in the same manner as other village taxes.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 171.

[H. F. No. 338.]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE VILLAGE OF LONG PRAIRIE, IN THE COUNTY OF TODD, TO ISSUE BONDS TO FUND FLOATING INDEBTEDNESS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the common council of the village of Long Prairie, in the county of Todd, is hereby authorized and empowered to issue the bonds of said village, not to exceed the amount of three thousand dollars (\$3,000), with interest coupons attached, for the purpose of funding the floating indebtedness of said village, which said bonds shall be used for no other purpose whatever.

SEC. 2. Said bonds shall be issued in such denominations as the council may determine and bear interest at a rate not exceeding six (6) per cent per annum, payable annually, and the principal payable at such time or times, not more than ten (10) years after the date of said bonds, as the common council shall by resolution determine, and said bonds shall not be disposed of at less than their par value.

SEC. 3. Said bonds shall be signed by the president of said council and be attested by the recorder thereof, and the common council of said village is hereby authorized, and it is made their duty, to provide, by the levying of taxes or otherwise, for the payment of said bonds and interest as they shall mature.

SEC. 4. No such bonds shall be issued until the proposition to issue the same be submitted to the legal voters of said village at a general or special election and shall be approved by a majority of those voting on said proposition, notice of the submission of said proposition to be given at least ten (10) days before such general or special election, by publication thereof in the newspapers of said village and by notices posted in three (3) public places in said village. The ballots used at said election in favor of said proposition shall have written or printed, or partly written and partly printed, thereon, "For issue of bonds—Yes;" and those opposed to said proposition shall have written or printed, or partly written and partly printed, thereon, "For issue of bonds—No." Such votes shall be received and canvassed at the same time and in the same manner and by the same officers that other votes at said election are received and canvassed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 172.

[H. F. No. 478.]

AN ACT TO AUTHORIZE THE COUNCIL OF THE VILLAGE OF BLOOMING PRAIRIE, IN THE COUNTY OF STEELE, IN THE STATE OF MINNESOTA, TO ISSUE BONDS FOR WATER SUPPLY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The council of the village of Blooming Prairie, in the county of Steele, in the state of Minnesota, are hereby authorized and empowered to issue the bonds of said village to an amount not exceeding two thousand (2,000) dollars, with coupons attached, to run for a period of not over twenty (20) years, and of such denominations and to draw such rate of interest, not exceeding six (6) per centum per annum, as the said village council may prescribe, for purposes of water supply in said village. Said bonds shall not be sold for less than par value.

SEC. 2. The bonds issued under provisions of this act and the coupons for the interest on the same shall be signed by the president of the council and attested by the recorder, who shall keep a record of all bonds so issued, showing the amount of each, the rate of interest and to whom payable.

SEC. 3. Before such bonds shall be issued the question of issuing the same shall be submitted to the legal voters of said village of Blooming Prairie at the next village election after the passage of this act, or at a special election called for that purpose, when notice of voting upon such question shall be given at least fifteen (15) days before such election; said notice shall be posted in at least three (3) of the most public places in said village, and shall distinctly state the amount of bonds proposed to be issued and the purpose for which the same are to be used, the time when payable and the rate of interest they shall bear; interest to be within the limits of section one (1) of this act. At said election those voting in favor of such issue shall have written or printed, or partly written and partly printed, upon the ballots the words, "For issue of bonds for water supply—Yes," and those voting against the same a ballot written or printed, or partly written and partly printed, "For issue of bonds for water supply—No." Said election shall be conducted in the same manner as other elections in said village, and if at said election a majority of the legal voters voting on such proposition shall vote for such bonds "Yes," then said bonds may be issued in accordance with the provisions of this act and not otherwise.

SEC. 4. Said village council shall, and they are hereby authorized and required to, levy an annual tax on all the taxable property of said village over and above and in addition to all other taxes required by law to be levied, sufficient to pay the interest upon said bonds as it shall mature; and also to levy an additional tax when any installment of the principal of said bonds is about to become due sufficient

in amount to pay such principal sum or sums at maturity, which taxes shall be levied and collected in the same manner as other taxes for village purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 173.

[S. F. No. 408.]

AN ACT AUTHORIZING THE CITY OF CROOKSTON, IN POLK COUNTY, TO ISSUE BONDS TO AID THE RAINY LAKE, CROOKSTON & PACIFIC RAILROAD COMPANY IN THE CONSTRUCTION OF A PORTION OF ITS PROJECTED LINE OF RAILROAD.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of Crookston is hereby authorized and empowered, as herein provided, to issue the bonds of said city, to an amount not exceeding ten thousand (10,000) dollars, to aid the Rainy Lake, Crookston & Pacific Railroad Company in the construction of a part of its projected line of railroad, beginning in said city, or at a point in the town of Fairfax in said county near said city, and extending to a point in the town of Hubbard, in said county, or in the town of Shelly, in Norman county.

SEC. 2. Said bonds shall be issued in sums not less than one hundred (100) dollars each, and shall bear interest at a rate not exceeding five (5) per cent per annum, payable annually, and shall run for a term not exceeding thirty (30) years from the date of the issue thereof.

SEC. 3. The proposition to issue said bonds shall be submitted to the qualified voters of said city of Crookston, at any regular or special election called for that purpose by the city council, upon a petition signed by one hundred (100) legal voters (proof of the fact that such petition is signed by the requisite number of legal voters may be made by affidavit of any person knowing the fact) being presented to them, stating the amount of bonds to be issued, the rate of interest they shall bear and when payable and the designation of the railroad to be aided thereby, and requesting that a meeting of the electors of said city be called for the purpose of voting upon the question of issuing such bonds. The notice of said election shall be given at least two (2) weeks prior to said election, and published as provided by law, at which election those who vote in favor of the issuing of bonds shall have written or printed, or partly written and partly printed, on the ballots the words, "For the issue of bonds for railroad purposes—Yes;" and those voting against the issue of the bonds shall have written or printed, or partly written or printed, on their ballots the words, "For the issuing of bonds for railroad purposes—No." The vote of which shall be returned and canvassed in the same manner as the votes for city officers; and if it appears from such canvass that a majority of the voters present and voting at such election have voted



in favor of such bonds, then the city council of said city shall cause to be issued said bonds; which bonds shall be signed by the mayor and city clerk and countersigned by the comptroller, and the principal and interest as they shall become due shall be payable to the person or corporation to whom they shall be issued, or bearer, on presentation to the treasurer of said city; *Provided*, that if the proposition to issue the bonds be defeated the city council shall not call another election to vote upon the same or another proposition until the expiration of three (3) months after such proposition has been defeated.

SEC. 4. For the purpose of paying the principal and interest of said bonds said city council is hereby authorized and required to levy the necessary tax to pay the same when due.

SEC. 5. No bonds voted under the provisions of this act shall be issued or delivered until the railroad for which the same are voted shall be built and ready for operation, either over its own line or by means of connection with some other railroad, into said city.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 174.

[S. F. No. 436.]

AN ACT TO AUTHORIZE THE VILLAGE OF MORRIS, IN THE COUNTY OF STEVENS AND STATE OF MINNESOTA, TO CONSTRUCT, OPERATE AND MAINTAIN WATER WORKS AND TO ISSUE BONDS TO PAY FOR THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That for the purpose of defraying the cost and expense of constructing, operating and maintaining water works for the village of Morris, in the county of Stevens, and for the purpose of defraying the cost and expense of acquiring such property as may be necessary for such construction, and for the purpose of defraying the cost and expense of purchasing the necessary machinery and apparatus therefor, the village of Morris is hereby authorized and empowered to issue its bonds, to be called "Village of Morris Water Works Bonds," to an amount not exceeding twenty thousand (20,000) dollars, in denominations of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars, bearing interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, the principal of said bonds to mature and become payable at a period not exceeding twenty (20) years from the date thereof; the several installments of interest accruing upon such bonds shall be evidenced by coupons thereto attached, and such bonds and coupons shall be signed by the president of the common council of said village of Morris and attested by the recorder of said village.

No such bonds shall be sold or in any manner disposed of by said village or the common council thereof, at less than their par value;

nor shall such bonds be issued until a majority of the legal voters of said village present and voting at any annual or special election of said village, shall, in the manner hereinafter provided, authorize and determine that the same be issued.

SEC. 2. Whenever the common council of said village of Morris shall determine to issue any such bonds, it shall adopt and enter upon its records a resolution setting forth the purpose for which such bonds are to be issued, the number and denomination of such bonds to be so issued, the rate of interest thereon and how payable, the time or times when the principal of such bonds will become due and payable, and shall also determine the time when the question of the approval or rejection of such resolution and of the issuing of such bonds will be submitted to the legal voters of said village for their determination; and shall, if such question of the issuing such bonds is not submitted at the annual village election of said village, order a special election to be held within said village, upon a day to be designated in such resolution, for the purpose of submitting such question to such voters; and thereupon the village recorder of said village shall cause a copy of such resolution, together with a notice of the time and place of holding such election, and the question to be submitted and voted upon at such election, to be posted up in at least three (3) public and conspicuous places in said village, at least ten (10) days prior to the day of holding such election.

SEC. 3. The voters at any such election voting in favor of the approval of such resolution and the issuing of such bonds, shall use printed or written, or partly printed and partly written, ballots which shall read as follows, "For the approval of the resolution of the common council authorizing the issue and sale of the bonds of the village of Morris in the sum of twenty thousand (20,000) dollars, for the construction of water works in said village—Yes;" and those voting against the approval of such resolution and the issuing of such bonds, shall use printed or written, or partly printed and partly written, ballots which shall read as follows, "For the approval of the resolution of the common council authorizing the issue and sale of the bonds of the village of Morris in the sum of twenty thousand (20,000) dollars, for the construction of water works in said village—No." If a majority of the votes cast at any such election shall be in favor of the approval of such resolution and the issuing of such bonds, then the common council of said village may issue such bonds in the amount and upon the terms and conditions in such resolution specified. If a majority of such votes shall be against such approval and issuing such bonds, then said common council of said village shall not issue such bonds; *Provided, however*, that if a majority of such votes shall be against the approval of such resolution and the issuing of such bonds, the same, or another resolution authorizing the issue of the bonds for the purpose herein specified, may, at any time after the expiration of six (6) months, be again submitted to a vote of the legal voters of said village, in the manner herein provided.

SEC. 4. The common council of said village shall make provisions, by the levying of the necessary taxes, for the payment of such bonds and interest as they shall mature.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 27, 1891.

## CHAPTER 175.

[S. F. No. 399.]

AN ACT TO AUTHORIZE THE VILLAGE OF WINNEBAGO CITY, IN FARIBAUT COUNTY, TO ISSUE BONDS FOR WATER WORKS, ELECTRIC LIGHTING, AND FOR SUCH OTHER INTERNAL IMPROVEMENTS AS MAY BE DEEMED NECESSARY BY SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village of Winnebago City, in Faribault county, is hereby authorized to issue bonds and obligations of said village for the purpose of providing the said village with water supply, electric lights and such other necessary improvements as may be deemed necessary by said village.

SEC. 2. Said bonds may be issued to an amount not to exceed twenty thousand (20,000) dollars. They may be in such sums, and bear a rate of interest not greater than seven (7) per cent, and run for such terms, not greater than thirty (30) years from their date, and with coupons attached for said interest, and for such purposes as the said village may from time to time designate.

SEC. 3. Said bonds shall be signed by the president of the common council, shall be countersigned by the village recorder and sealed with the seal of said village, and may be made payable at such place or places as the common council may direct.

SEC. 4. For the purpose of the payment of the principal and interest of said bonds, the common council shall, annually, levy upon the taxable property of said village a sum sufficient in amount to pay the interest accruing in the year following said levy; and shall also, in each and every year during the life of said bonds, levy a sum sufficient in amount to produce a sinking fund to pay the principal of said bonds when due, both of said levies to be transmitted to the county auditor of said Faribault county, to be by him extended upon the tax duplicate as against all of the property in said village, and to be collected by the county treasurer of said county as other taxes are collected, and shall be by the said treasurer paid over to the treasurer of said Winnebago City, to be by him disbursed for the payment of said interest and principal when due.

SEC. 5. It shall be the duty of the common council of said Winnebago City to provide for the safe investment of the said sinking fund from time to time, so as to produce a rate of interest for the best interest of the village.

SEC. 6. No bonds shall be issued under the provisions of this act unless the same shall be first authorized by a vote of the electors of said village; and for that purpose the common council is authorized to submit, from time to time as seems to them proper, propositions for the issuing of bonds hereunder, which propositions shall contain full statements of the amount, kind, interest and objects for which said bonds are proposed to be issued; and whenever any such proposition shall be submitted for the approval of said issue of bonds, the said council shall call a special election of the voters of said village, giv-

ing not less than ten (10) days' previous notice thereof, by publishing the same in at least two (2) issues of some newspaper printed and published in said village, and also by posting the same for ten (10) days previous to said election, in three (3) public places in said village. Said notice of said election shall contain, in full, the proposition to be voted on. Such election shall be conducted in the same manner as other village elections. At such elections the voter shall vote by ballot containing the words, "For bond issue" or "Against bond issue," and if a majority of all the votes cast at any such election shall be "For Bond issue," then the common council may issue the bonds thus authorized.

The said common council may submit more than one (1) proposition for the issue of bonds to be voted on at the same election, and in such case said propositions shall be numbered or suitably designated and distinguished; and the elector shall in voting thereon, likewise in their ballots, distinguish as to which proposition he is voting upon. A majority of ballots in favor of such issue shall be necessary in each instance to authorize the issue thereof. No bonds issued by virtue hereof shall be sold or disposed of for less than their par value by said council. No adverse action by the electors upon a proposition shall prevent the common council from submitting the same again within three (3) months from the said action. No adverse action upon a proposition shall prevent the common council from submitting other propositions in the same line as often as they may deem advisable.

SEC. 7. All of the real and personal and other property in the corporate limits of said village or which may hereafter be added thereto shall be held liable for any bonds issued by virtue of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

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## CHAPTER 176.

[S. F. No. 480.]

AN ACT TO AUTHORIZE THE CITY OF CHATFIELD TO ISSUE BONDS TO TAKE UP THE OUTSTANDING ORDERS OR WARRANTS OF SAID CITY ISSUED FOR THE CONSTRUCTION OF WATER WORKS FOR SAID CITY AND TO COMPLETE THE CONSTRUCTION OF SUCH WATER WORKS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of Chatfield, in said state, is hereby authorized to issue the bonds of said city in such denominations as said common council shall determine, to an amount not exceeding eight thousand (8,000) dollars, for the purpose of taking up the outstanding orders or warrants of said city issued for the construction of water works for said city and to complete the construction of such water works.

SEC. 2. Such bonds shall bear interest at a rate not exceeding six (6) per cent per annum, and shall be payable at such times as the common council of said city shall determine, not exceeding eight (8) years from the date thereof.

SEC. 3. Said bonds shall be signed by the mayor and recorder and attested by the seal of said city and shall have interest coupons attached, which shall be signed by the said mayor and recorder, and said recorder shall keep a correct record of the bonds so issued.

SEC. 4. Said bonds shall not be negotiated at less than their par value.

SEC. 5. Before any bonds are issued under the provisions of this act, the question of issuing the same shall be submitted to the legal voters of said city, at some general election, or at a special election called for that purpose, and if a majority of the voters voting upon that question shall vote against issuing such bonds, then the same shall not be issued; but if a majority of the voters voting upon such question shall vote in favor of issuing such bonds, then the same may be issued as herein provided.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 177.

[S. F. No. 682.]

AN ACT TO AUTHORIZE THE VILLAGE OF LAKE CRYSTAL, IN BLUE EARTH COUNTY, TO ISSUE ITS BONDS, TO AN AMOUNT NOT EXCEEDING THE SUM OF TEN THOUSAND (10,000) DOLLARS, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SYSTEM OF WATER WORKS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of trustees of the village of Lake Crystal, in the county of Blue Earth, is hereby authorized and empowered to issue the bonds of said village, to an amount not exceeding the sum of ten thousand (10,000) dollars, in such denominations as may by said board of trustees be deemed proper, payable in not more than twenty (20) years, and to bear interest not greater than seven (7) per cent per annum, payable annually, for the purpose of constructing and maintaining a system of water works for said village and to acquire such property as may be necessary therefor; said bonds to be so expended, delivered and negotiated under such directions, conditions and guarantees as to said board of trustees shall seem meet, proper and expedient.

SEC. 2. The bonds issued under the provisions of this act shall be signed by the president of said board of trustees and be attested by the recorder of said village and have attached the seal of said village; but the said board of trustees shall not sell, or in any manner dispose of said bonds at less than their par value.

SEC. 3. Before issuing any such bonds the said board of trustees shall submit to the legal voters of said village the proposition to issue said bonds, to be voted on by them at any general charter election, or at any special election called for that purpose, due notice of which election shall be given in the same manner as for charter elections in said village. And the fact that the proposition to issue bonds will be submitted to vote at such election shall be clearly stated in such notice, and said notice shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable and the rate of interest they shall bear, within the limitations of section one (1). At said election those voting in favor of such issue shall have written or printed, or partly written and partly printed, upon the ballots used the words, "For the issue of water bonds—Yes," and those voting against such issue a ballot containing the words, "For the issue of water bonds—No." Such votes shall be canvassed and returned in the same manner prescribed by law for the canvassing and returning of the votes cast for village officers of said village; and if at said election a majority of the legal voters voting on said proposition shall vote for the issue of water bonds "Yes," then said bonds may be issued in accordance with said proposition and not otherwise.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 178.

[S. F. No. 679.]

AN ACT TO AUTHORIZE THE CITY OF ANOKA, IN THE COUNTY OF ANOKA AND STATE OF MINNESOTA, TO ISSUE BONDS TO THE AMOUNT OF FORTY THOUSAND (40,000) DOLLARS, FOR PUBLIC IMPROVEMENTS IN SAID CITY OF ANOKA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of Anoka, in the county of Anoka and state of Minnesota, is hereby authorized to issue its bonds, in a sum not exceeding forty thousand (40,000) dollars, payable in thirty (30) years after issue as hereinafter provided; the proceeds of said bonds to be used for public improvements in said city, under the direction of the city council of said city.

SEC. 2. Said bonds shall be issued in sums of not less than five hundred (500) dollars each, and bear [interest] at a rate not exceeding six (6) per cent per annum, payable semi-annually, to bearer or order as the purchasers of said bonds may elect. The bonds shall be signed by the mayor and countersigned by the clerk of said city, and the said city clerk shall make a record of said bonds, showing the number and date of each bond, the amount of each, to whom the same was issued, amount of interest to be paid and when the same will be due, in a book provided for that purpose.

SEC. 3. Whenever a petition shall be presented to the city council of said city, signed by at least fifty (50) resident freeholders of said city, who are legal voters therein, asking that the question of issuing bonds for public improvements in said city be submitted to the legal voters of said city, it shall be the duty of said city council, and said city council shall immediately give notice of an election to be held in said city, by publishing in all the newspapers published in said city, and also by posting copies of said notice in three (3) of the most public places in each of the election precincts of said city, at least twenty (20) days before such election, which said notice shall specify the time and places of holding such election, the amount of bonds proposed to be issued by the city, the time of payment of the same and the rate of interest thereon, and the purpose for which it is proposed to issue the said bonds. The vote at such election shall be by ballot. Those voting in favor of issuing said bonds shall have printed or written, or partly printed and partly written, on their ballots the words, "For issuing bonds for public improvements—Yes," and those voting against the issue of said bonds shall have printed or written, or partly printed and partly written, on their ballots the words, "For issuing bonds for public improvements—No." Such votes shall be received and canvassed by the judges of election of the several precincts of said city, duly appointed for such purpose, in the same manner that votes for city officers are received and canvassed, and the returns shall be made within the same time and in the same manner that the annual election returns are made; *Provided*, that if at said election two-thirds ( $\frac{2}{3}$ ) of the legal voters voting on said proposition shall vote in favor of issuing said bonds, then said bonds may be issued in accordance with the provisions of this act and not otherwise.

SEC. 4. The city council of said city shall, annually, levy a tax, in addition to all other taxes that they may be authorized to levy, in amount sufficient to pay the interest on said bonds, and also, at the proper time, to pay the principal of said bonds when the same shall become due. Such taxes shall be levied and collected as other city taxes are now levied and collected.

SEC. 5. In case of submission of the question of issuing bonds as aforesaid, and the same having been voted down or having failed to carry in said city, the same question, under a new petition, may again be submitted in the same manner and with the same effect as at the previous election; *Provided*, that the question of issuing bonds under this act having failed to carry at any special election, or at the annual election hereinafter specified, it shall not again be submitted until the expiration of at least one (1) year from the date of said special or annual election; *Provided further*, that the said question may be submitted at the regular annual election in eighteen hundred and ninety-two (1892), upon petition and due notice given as herein required.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.

## CHAPTER 179.

[S. F. No. 435.]

AN ACT TO AUTHORIZE AND EMPOWER THE VILLAGE OF MORRIS, IN THE COUNTY OF STEVENS AND STATE OF MINNESOTA, TO GRANT A FRANCHISE OR FRANCHISES TO ANY PERSON, FIRM OR CORPORATION TO ERECT, OPERATE AND MAINTAIN A SYSTEM OF WATER WORKS, ELECTRIC LIGHTS AND LINES OF STREET RAILWAY IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Morris, Stevens county, Minnesota, be and they hereby are authorized and empowered to grant franchises to any person, firm or corporation for a period of years, to erect, put in operation and maintain a water works system in and for the village of Morris, to supply the said village and its citizens, in both the present and prospective limits thereof, with a sufficient and plentiful supply of water, and for that purpose to lay all water mains, pipes, etc., and erect hydrants on any street, avenue or public thoroughfare in said village, and to do all other acts and things necessary to be done in order to have, hold and maintain a perfect water system.

SEC. 2. To erect, put in operation, maintain and operate an electric light or other system of furnishing light or heat, or both said light and heat, for the village of Morris, within both the present and prospective limits thereof, and for that purpose to have full power to erect on any street, avenue, alleyway or public thoroughfare, electric light wires, poles or other means of conducting and transmitting light or heat, as may be deemed expedient and as may prove to be the most practicable; to lay all necessary mains and conduits on any street, avenue, alleyway or public thoroughfare within the corporate limits of said village in order to perfectly and systematically, and to the best possible advantage, supply said village and its citizens with said light and heat or both.

SEC. 3. To erect, put in operation, maintain and operate one (1) or more lines of street railway on one (1) or more of the streets, avenues or public thoroughfares of said village of Morris, to have the power to use such animal, steam, electric or other means of power to propel the cars, coaches or vehicles of said railway as may from time to time be deemed to be most advisable, and for that purpose to lay all tracks, cables or other things necessary to the propelling of said cars, coaches and vehicles and the transferring and carrying of passengers thereon.

SEC. 4. That said common council of said village of Morris be and they hereby are authorized and empowered to do all acts and things in this bill set forth, for which power is herein and hereby granted them to give franchise, as a corporation, in its own behalf and at its own risk and expense.

SEC. 5. That all acts or parts of acts now in force in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 27, 1891.



## CHAPTER 180.

[S. F. No. 579.]

AN ACT TO AUTHORIZE THE VILLAGE OF PAYNESVILLE TO ISSUE ITS BONDS TO THE AMOUNT OF TEN THOUSAND (10,000) DOLLARS, FOR THE PURPOSE OF PROCURING ADDITIONAL RAILROAD FACILITIES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village of Paynesville, in the county of Stearns and state of Minnesota, is hereby authorized and empowered to issue its bonds in a sum not exceeding ten thousand (10,000) dollars, for the purpose of procuring additional railroad facilities.

Such bonds shall be of denominations not exceeding five hundred (500) dollars each, and shall have interest coupons attached bearing a rate of interest not exceeding six (6) per centum per annum, payable annually, and shall be payable at date not less than ten (10) years after the date of issue of the same.

SEC. 2. Such bonds shall be issued whenever a majority of the legal voters of said village voting at any general or special election called for that purpose shall so determine, and not otherwise, and when so issued, shall be signed by the president and attested by the recorder of said village.

SEC. 3. The village council shall from time to time provide, by the levying of taxes, for the payment of said bonds and interest as they shall mature and the interest become payable.

SEC. 4. Whenever there shall be presented to the president of said village a petition signed by at least ten (10) persons, who are freeholders and legal voters in said village, asking that the question of issuing bonds for the purposes mentioned in section one (1) of this act be submitted to the electors of said village, the president shall, within twenty-four (24) hours, call a meeting of the village council; and it shall be the duty of said village council at such meeting to call and give notice of a special election to be held in said village to vote upon such question. At least ten (10) days' notice of said election shall be given by publishing the same in a newspaper printed in said village, or by posting the same in three (3) of the most public places in said village; the village council shall determine the time and subject of the foregoing provisions, the manner of holding such election and of canvassing and returning the votes cast thereat;

*Provided*, that there shall be but one (1) polling place at such election, which shall be designated in the notices of election. The ballots shall have written or printed, or partly written and partly printed, the words, "For issuing bonds," or the words, "Against issuing bonds," and if a majority of the votes cast at such election shall contain the words, "For issuing bonds," then such bonds, or so much thereof as shall be necessary, shall be issued under and by the direction of the common council and be signed as hereinbefore provided. The ques-

tion of issuing such bonds may also be submitted to the legal voters of said village at an annual village election, upon petition and in the same manner as herein provided for a special election.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 181.

[S. F. No. 724.]

### AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF LE SUEUR TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A RAILROAD

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the common council of the city of Le Sueur, Le Sueur county, Minnesota, are hereby authorized to issue bonds to aid in the construction of a railroad from Mankato in said state, to the cities of Minneapolis and St. Paul therein, through the county of Sibley on the west side of the Minnesota river near said city of Le Sueur, not to exceed the sum of ten thousand (10,000) dollars, to be issued in such denominations and payable at such times, not to exceed ten (10) years, and drawing such a rate of interest, not to exceed six (6) per cent per annum, and at such place as the said common council shall determine.

SEC. 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said city, and the said clerk shall keep a record of all bonds issued under the provisions of this act, giving dates, numbers and amounts, to whom issued and when payable.

SEC. 3. Said common council shall, and are hereby authorized and empowered to, levy an annual tax on all the taxable property of said city, in addition to all the other taxes required by law to be levied, sufficient to pay the interest on said bonds as it matures, and also to levy an additional tax sufficient to pay the principal of said bonds at the time or times when the same shall become due and payable, which taxes shall be levied and collected in the same manner as other taxes are levied and collected for city purposes.

SEC. 4. Before it shall be lawful for said common council to issue such bonds, the proposition to issue the same shall be submitted to the legal voters of said city for their approval or rejection, at any annual or special election of said city, due notice as provided by law in other elections and stating the proposition to be voted upon being given. The ballots used at such election shall be written or printed, or partly written and partly printed, thereon the words. "For issue of bonds to aid in the construction of a railroad—Yes," or "For issue of bonds to aid in the construction of a railroad—No." And said ballots shall be cast in the same manner and canvassed the same as

ballots cast at the annual city elections in said city; and if it shall be found upon such canvass that a majority of the voters present and voting at such election have voted in favor of such proposition then the issue of such bonds shall be lawful.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 182.

[S. F. No. 771.]

AN ACT TO AUTHORIZE THE COUNTY OF POLK AND THE VILLAGE OF THIEF RIVER FALLS TO CONSTRUCT A BRIDGE ACROSS THE RED LAKE RIVER ON SECTION THIRTY-THREE (33), TOWNSHIP ONE HUNDRED AND FIFTY-FOUR (154), RANGE FORTY-THREE (43), POLK COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of Polk county, Minnesota, are hereby authorized and directed to issue and sell the bonds of said county to the amount of three thousand dollars (\$3,000), for the object and upon the condition hereinafter stated; and the bonds so to be issued shall be in such sums or denominations, payable at such times and bearing such interest, as said board of commissioners shall in their discretion determine.

SEC. 2. The village council of the village of Thief River Falls, Polk county, are hereby authorized to issue bonds of the said village, for the purpose of aiding in building a bridge as hereinafter provided, the said bonds to be one thousand dollars (\$1,000) in amount, issued in such denominations, payable at such times and bearing such interest, as the said village council of the village of Thief River Falls shall in their discretion determine.

SEC. 3. The proper authorities of said village shall annually levy and collect, in the same manner as other village taxes are levied and collected, in addition to all other taxes, an amount sufficient to pay the interest accruing upon said bonds, and the said bonds as they shall mature.

SEC. 4. The proceeds of the sale of the said three thousand dollars (\$3,000) of bonds to be issued by said Polk county, and the said one thousand dollars (\$1,000) of bonds to be issued by the said village of Thief River Falls, shall be used exclusively in the construction of a bridge over the Red Lake River (and approaches thereto) on section thirty-three, township one hundred and fifty-four (154), range forty-three (43), Polk county, Minnesota. The said bridge shall be located and constructed under the control and supervision of the county commissioners of Polk county, Minnesota.

SEC. 5. The bonds of the said village of Thief River Falls shall not be issued until the said village shall have voted upon the proposition

to issue said bonds at any general election, or special election called for that purpose by said village council, at any time after the passage of this act, upon petition presented to them by twelve (12) freeholders of said village requesting that said special election be called or the proposition of issuing the said one thousand dollars (\$1,000) in bonds be submitted to the electors of said village at the general election therein designated. The village recorder shall give notice of the same as prescribed by law for annual or special town meetings. Those voting in favor of said issue of bonds shall have written or printed, or partly written and partly printed, on the ballots used, "For the issue of bonds for bridge purposes," and those voting against the same the words, "Against the issue of bonds for bridge purposes;" and the voting shall be conducted in the same manner as prescribed by law for the election of village officers. The vote shall be counted, canvassed and returned in the same manner as votes cast for the village officers; and if upon such canvass it appears that a majority of all the votes cast shall be in favor of issuing said bonds, the village council shall issue said bonds, but not otherwise; *Provided, however*, that the county of Polk shall not issue the bonds provided in this act until after the village of Thief River Falls shall have voted to issue and issued the one thousand dollars (\$1,000) in bonds as hereinbefore provided.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 183.

[H. F. No. 668.]

AN ACT AUTHORIZING THE CITY OF ALBERT LEA, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING WATER WORKS IN SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of Albert Lea, Minnesota, for the purpose of constructing and maintaining water works for said city, and for supplying to said city and the citizens thereof a supply of water, is hereby authorized to issue the bonds of said city, in denominations of one thousand (\$1,000) dollars each, to an amount not exceeding twenty thousand (\$20,000) dollars, and at a rate of interest not exceeding five (5) per cent per annum, to run not less than ten (10) years, or exceeding thirty (30) years, and to be designated in said bonds and to be known as water bonds of the city of Albert Lea.

SEC. 2. Before said bonds shall be issued, however, said proposition shall be submitted to the legal voters of said city of Albert Lea, at the next annual city election held in said city, or at a special election called by the city council of said city, for the purpose of voting upon said proposition. Those voting in favor of issuing said bonds shall have written or printed, or partly written and partly

printed, on their ballots, "For issuing water bonds—Yes," and those voting against the issuing of said bonds, shall have written or printed, or partly written and partly printed, on their ballots, "For issuing water bonds—No."

Said election shall be held in the same manner as city elections are now held, and the vote shall be canvassed in the same manner, and if upon the counting and canvass of said vote it shall appear that three-fifths ( $\frac{3}{5}$ ) of the voters present and voting at said election shall have voted for the issuing of said bonds, then the proposition is carried, and the common council shall take steps to carry out the provisions of this act as herein provided; but if more than two-fifths ( $\frac{2}{5}$ ) of the votes so cast shall be against the issuing of said bonds, then the proposition is lost, and no other election shall be had until one (1) year has elapsed since the last election on this proposition; *Provided*, the proposition to issue bonds can and may be submitted again to the vote of the people after the expiration of one (1) year as herein provided.

SEC. 3. The common council shall each year levy a tax sufficient to pay the interest on said bonds over and above the amount received from water rents.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

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## CHAPTER 184.

[H. F. No. 782.]

AN ACT TO AUTHORIZE THE VILLAGE OF MONTICELLO, IN THE COUNTY OF WRIGHT, TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF A WAGON BRIDGE ACROSS THE MISSISSIPPI RIVER AT SAID MONTICELLO.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Monticello, in the county of Wright, is hereby authorized and empowered to issue the bonds of said village, for the purpose of aiding in the construction of a wagon bridge across the Mississippi river at said Monticello, in a sum not exceeding two thousand (2,000) dollars, in such denominations as said council may determine.

SEC. 2. Such bonds shall bear interest at a rate not to exceed seven (7) per cent per annum, payable either semi-annually or annually, and the principal shall be due and payable at such time or times, not exceeding five (5) years from the date of said bonds, as said council may determine, and shall be signed by the president and attested by the recorder and sealed with the seal of said village.

SEC. 3. Said bonds shall be negotiated at not less than par value, and the proceeds thereof shall be used for no other purpose than for the purpose of aiding in the construction of said bridge.

**SEC. 4.** The proposition to issue said bonds shall be submitted to a vote of said village, at any annual or special meeting after the passage of this act, notice of which shall be given in the same manner as for other or special meetings of towns. The ballots shall have thereon the words "In favor of issuing bonds— Yes," or "In favor of issuing bonds—No." If a majority of the votes cast at said meeting on said question is in favor of the issue of said bonds, then, and in that case, said council shall have power to issue said bonds.

**SEC. 5.** This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

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## CHAPTER 185.

[H. F. No. 731.]

AN ACT TO AMEND SECTION TWO (2) OF AN ACT ENTITLED "AN ACT TO AUTHORIZE THE VILLAGE OF ALEXANDRIA, IN DOUGLAS COUNTY, TO ISSUE BONDS TO FUND THE FLOATING INDEBTEDNESS OF SAID VILLAGE"

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That section two (2) of an act entitled "An act to authorize the village of Alexandria, in Douglas county, to issue bonds to fund the floating indebtedness of said village," approved February sixteenth (16th), A. D. eighteen hundred and ninety-one (1891), be and the same is hereby amended so as to read as follows:

**Sec. 2.** The said bonds shall be issued in sums not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars, with interest coupons attached, and shall bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually. The principal shall become due and payable at such time or times as the common council may, by resolution, determine, not less than ten (10) years nor more twenty (20) years, from the date of issue of said bonds respectively.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 10, 1891.

## CHAPTER 186.

[S. F. No. 783.]

AN ACT TO AUTHORIZE THE CITY OF AUSTIN TO ISSUE ITS BONDS FOR THE PURPOSE OF EXTENDING THE WATER WORKS OF SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of Austin, in the county of Mower and state of Minnesota, is hereby authorized, at any time within two (2) years from and after the passage of this act, to issue the bonds of said city, for the purpose of defraying the costs and expense of further extending and constructing water works for said city of Austin to an amount not exceeding five thousand (5,000) dollars, to be issued in such denominations and payable at such times, not exceeding twenty (20) years, drawing such rate of interest, not to exceed six (6) per cent per annum, and at such place in the city of Austin as the common council shall determine.

SEC. 2. Said bonds shall be issued with interest coupons attached and shall be signed, together with said coupons, by the mayor and recorder, and attested by the seal of said city; and the said recorder shall keep in his office a correct record of the bonds so issued.

SEC. 3. Said bonds shall not be negotiated by said common council at less than their par value. Said city shall, annually, after said bonds are issued, include in the general tax an amount sufficient to pay the principal and interest maturing on said bonds for the year next ensuing after such levy, which taxes shall be levied and collected in the same manner as other taxes for city purposes are levied and collected.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 187.

[S. F. No. 400.]

AN ACT TO PROVIDE FOR THE APPORTIONMENT BETWEEN THE PRESENT TOWN OF ALBERT LEA AND THE PRESENT CITY OF ALBERT LEA, IN FREEBORN COUNTY, MINNESOTA, OF THE INDEBTEDNESS INCURRED BY THE TOWN OF ALBERT LEA BY THE ISSUE OF ITS BONDS TO THE SOUTHERN MINNESOTA RAILROAD COMPANY, AND TO AUTHORIZE THE PRESENT TOWN OF ALBERT LEA TO ISSUE BONDS FOR THE PURPOSE OF REFUNDING AND PAYING ITS APPORTIONED SHARE OF SAID RAILROAD BONDS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The indebtedness of the town of Albert Lea, in the county of Freeborn, in this state, heretofore duly incurred by said town by the issuing of its bonds in the aggregate amount of forty thousand (40,000) dollars to the Southern Minnesota Railroad Company, shall (subject to the ratification by the vote of the electors of the present town of Albert Lea hereinafter provided for and the resolution by the city council of the city of Albert Lea in said county) be and hereby is apportioned as follows, to-wit:

To the town of Albert Lea, as at present constituted and existing, there is hereby apportioned and made chargeable and by said town payable (subject to said vote) the sum of eight thousand (8,000) dollars, as its just and proportionate share, and to the city of Albert Lea, as at present existing, the sum of thirty-two thousand (32,000) dollars as its just and proportionate share of said indebtedness.

SEC. 2. The proposition for said apportionment and the refunding of the share of said town, as provided by this act, shall be submitted to a vote of the electors of the said present town of Albert Lea, at a general or special election called by the board of supervisors of said town, or a majority of them, for that purpose; and the clerk of said town shall give notice of such election by posting notice, at least ten (10) days previous to such election, in three (3) public places in said town. The ballots at such election shall have on them plainly written or printed, or partly written and partly printed, the words, "For the apportionment and refunding of the Southern Minnesota Railroad bonds," or "Against the apportionment and refunding of the Southern Minnesota Railroad bonds." Said election shall be conducted in the same manner and the votes thereat canvassed and the result thereof declared in the same manner as in the case of a general town election in said town as now provided by law; and if it appears upon such canvass that a majority of electors so voting on said question shall have voted for said apportionment and refunding, then the same shall be lawful and said apportionment as prescribed in the foregoing section shall be of full force and effect, and the board of supervisors of said town be authorized to issue and negotiate the bonds provided for in the following sections of this act; but if it should appear upon such canvass that a majority of the electors so voting shall have voted against said apportionment and refunding then the provisions of this act providing



therefor shall be of no force and the obligations under said railroad bonds shall be and remain the same as when the same were originally issued.

SEC. 3. For the purposes of this act and for the purposes of refunding and paying the said sum of eight thousand (8,000) dollars of bonded indebtedness apportioned to said town of Albert Lea by the provisions of this act as its just and proportionate share, the board of supervisors of said town of Albert Lea is hereby authorized to issue the bonds of said town of Albert Lea to the amount of eight thousand (8,000) dollars; said bonds shall be issued in amounts or denominations of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars each, with interest coupons attached, and shall bear interest at the rate of not exceeding six (6) per cent per annum, payable annually, not to exceed twenty (20) years after the date of such bonds, at such time or times and at such place or places as said board of supervisors shall by resolution provide; and said bonds and coupons shall be signed by the chairman, town clerk and other members of said board of supervisors, and said town clerk shall keep a record in his office of said bonds so issued, showing the number, date and amount of such bonds and to whom payable; and the said board of supervisors shall have authority to negotiate the sale of said bonds in such way as in their judgment shall best subserve the interest of said town; but they shall not negotiate a sale nor sell said bonds nor any of them at less than par value, neither shall said bonds, nor the proceeds from the sale thereof, be used for any other purpose than that specified in this act.

SEC. 4. All the territory which at present constitutes the town of Albert Lea shall at all times, until payment in full of said refunding bonds, be and remain subject to the tax levies for the payment of said bonds and interest thereon as provided for herein.

SEC. 5. Said board of supervisors of said town of Albert Lea are hereby authorized, and it is made their duty, to levy and in due form certify to the auditor of said county of Freeborn an annual tax upon all the taxable property of said town sufficient to meet the interest on said bonds as it becomes due, and to so levy and certify a tax and provide a sinking fund for the payment of the principal of said bonds; which taxes shall be collected as other taxes of said town are collected and the funds so provided shall be set apart and held inviolate for the purposes aforesaid;

*Provided*, that all accumulations of such sinking fund may, by resolution and order duly adopted by said board of supervisors, be deposited to the credit of said town of Albert Lea in such national, state or private bank and at such interest and for such time as agreed and by such resolution stipulated and named, not, however, for any longer time than until needed for the payment of said bonds, and said board of supervisors may, before declaring such depositing or naming such bank, require such security from the same as they in their judgment may seem proper.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 188.

[S. F. No. 447.]

AN ACT TO AUTHORIZE THE CITY OF HASTINGS, IN THE COUNTY OF DAKOTA, TO ISSUE BONDS FOR BUILDING A BRIDGE ACROSS THE MISSISSIPPI RIVER.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Hastings is hereby authorized and empowered to issue the bonds of said city for the purpose of building and constructing a steel wagon bridge across the Mississippi river at said city of Hastings.

SEC. 2. The total sum of said bonds shall not exceed the sum of forty thousand (\$40,000) dollars.

SEC. 3. Said bonds shall be issued in sums not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) each, with interest coupons attached, and shall bear interest at a rate not to exceed five (5) per cent per annum, payable annually; said bonds shall mature at such times not to exceed thirty (30) years after the date thereof, and shall be payable at such place or places as the city council of said city shall determine by resolution duly passed. Said bonds, and the interest coupons thereto attached, shall be signed by the mayor of said city and countersigned by the city clerk and sealed with the official seal of said city. The city clerk shall keep a full and complete record of said bonds so issued, showing the number, date and amount of such bonds, and the name of the person in whose favor they are drawn. The city council of said city of Hastings shall have full authority to negotiate such bonds as shall in their judgment be for the best interests of said city; but in no event shall said bonds or any of them be negotiated or sold for less than their par value.

SEC. 4. The city council of said city of Hastings is hereby fully authorized and empowered to, and shall, make provisions by levying of taxes to pay the principal and interest of any and all bonds issued by virtue of the authority granted by this act.

SEC. 5. Before any bonds shall be issued under the provisions of this act, the question whether the same shall be issued or not shall be submitted to the legal voters of said city of Hastings at the next city election in said city, or at a special election held for that purpose, at a time to be designated by the city council. Notice of such election, and of the submission of the question of issuing said bonds, shall be given in the same manner as notice of a general city election is given in said city as now provided by law.

SEC. 6. Such election shall be conducted, and the returns thereof made, in the same manner prescribed by the city charter of said city relating to the election of city officers.

SEC. 7. At such election, those in favor of issuing said bonds shall have written or printed, or partly written and partly printed, upon their ballots the words, "Bridge bonds—Yes;" and those opposed to the issuing of said bonds shall have written or printed, or partly

written and partly printed, upon their ballots the words, "Bridge bonds—No." If a majority of the votes cast upon such question be in favor of issuing such bonds, the city council may proceed to issue said bonds as hereinbefore provided, and in such case said bonds shall be lawful and valid to all intents and purposes.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

## CHAPTER 189.

[S. F. No. 403.]

AN ACT TO AUTHORIZE THE CITY OF ALBERT LEA, FREEBORN COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS SHARE OF CERTAIN RAILROAD BONDS ISSUED BY THE TOWNSHIP OF ALBERT LEA, IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of Albert Lea, Freeborn county, Minnesota, is hereby authorized and empowered to issue and negotiate its bonds, not to exceed in the aggregate the sum of thirty-two thousand (32,000) dollars, for the purpose of funding its share of certain railroad bonds issued by the township of Albert Lea, in said county, in the year one thousand eight hundred and sixty-nine (1869), to the Southern Minnesota Railroad Company, of which township the said city was then a part.

SEC. 2. Said bonds to be issued by the authority of this act shall be signed by the mayor of said city of Albert Lea and countersigned by the city clerk thereof; *Provided*, that said bonds shall be of the denomination of one thousand dollars (\$1,000) each, and due twenty (20) years from the date of their issue, with the provision in said bonds that they may be paid by the said city after the expiration of ten (10) years from date thereof, at the pleasure of said city, and that interest on said bonds shall be paid annually on the first (1st) day of July in each year, at a rate of interest not exceeding five (5) per cent per annum; *Provided further*, that said city shall not issue said bonds until authorized to do so by a majority of all the legal voters exercising their right of franchise at the next annual city election held in said city, or at a special election held for the purpose of voting upon said proposition.

SEC. 3. The city clerk of said city shall give notice that the question of the issue of said bonds will be submitted to the legal voters of said city at the next annual city election thereof, or at a special election called for the purpose of voting upon said proposition, by posting notices in at least three (3) public places in said city, and by publishing the same in the official paper of said city, which notices shall state the fact that the question of the issue of said bonds will be submitted as provided for in this act.

SEC. 4. Each elector voting at such election in favor of the issue of said bonds shall vote by ballot having written or printed, or partly written and partly printed, thereon the words, "In favor of the issue of bonds to assist in funding certain bonds issued by the township of Albert Lea, Freeborn county, Minnesota, to the Southern Minnesota Railroad Company, in the year one thousand eight hundred and sixty-nine (1869)—Yes," and each elector voting against the issue of said bonds shall vote by ballot having written or printed, or partly written and partly printed, thereon the words, "In favor of the issue of bonds to assist in funding certain bonds issued by the township of Albert Lea, Freeborn county, Minnesota, to the Southern Minnesota Railroad Company, in the year one thousand eight hundred and sixty-nine (1869)—No."

SEC. 5. Said bonds shall not be negotiated for less than their face value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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## CHAPTER 190.

[S. F. No. 625.]

AN ACT TO AUTHORIZE THE VILLAGE OF FAIRMONT, IN MARTIN COUNTY, TO ISSUE BONDS TO PROVIDE A WATER SUPPLY AND ELECTRIC LIGHTS FOR SAID VILLAGE AND ITS INHABITANTS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Fairmont, in the county of Martin, is hereby authorized and empowered to issue the bonds of said village in the sum of fifteen thousand (15,000) dollars, for the purpose of supplying said village and its inhabitants with water and electric lights.

SEC. 2. Such bonds shall be issued in such denominations, be made payable at such time or times and at such place, and bear such rate of interest, not exceeding seven (7) per cent, payable semi-annually, as such council shall by resolution determine. Said bonds shall be signed by the president of said village council and countersigned by the village recorder of said village and sealed with the corporate seal of said village; and the village recorder of said village shall keep in his office a record of said bonds, showing the number, amount, rate of interest and length of time the same are to run, and the names of persons to whom the same are issued.

SEC. 3. Said council shall have the power to negotiate and sell said bonds in such manner as it shall deem most advisable; but none of said bonds shall be sold or negotiated at less than their par value, and the proceeds of said bonds shall be used by said council in providing water and electric lights for said village and its inhabitants, in such manner as in the judgment of said council will best subserve the interests of said village.

SEC. 4. Said council shall make provisions, by the levying of sufficient taxes, for the payment of said bonds and interest thereon as the same shall fall due.

SEC. 5. Before it shall be lawful for said council to issue any of said bonds, the question of such issuance shall be submitted to the legal voters of such village, at some general election, or a special election called for that purpose. Such elections shall be held, and the votes thereat canvassed, in the usual manner of holding elections and canvassing votes in said village. Whenever said council shall determine to submit such question to the legal voters of said village, the same shall be done by resolution, and the notice of such election shall state the proposition to issue the bonds herein provided for will be voted on at such election. The ballots used at such election shall have written or printed thereon the words, "For the issue of water works and electric light bonds—Yes," or "For the issue of water works and electric light bonds—No." If it shall be found on a canvass of the votes cast at such election that a majority of the voters present and voting at such election have voted in favor of the issuance of said bonds, it shall then be lawful for said council to issue the same as provided above; *Provided*, the question of the issuance of said bonds may be submitted to the legal voters of said village as often as the said council may deem advisable.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 191

[H. F. No. 576.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF EXCELSIOR TO ESTABLISH A WATER WORKS DEPARTMENT, TO ERECT, CONSTRUCT, EXTEND, ENLARGE, MAINTAIN AND REGULATE THE USE OF WATER WORKS FOR SAID VILLAGE, AND TO RAISE FUNDS THEREFOR BY THE ISSUE OF VILLAGE BONDS AND THE LEVY AND COLLECTION OF ASSESSMENTS UPON PROPERTY ABUTTING ON STREETS IN WHICH WATER MAINS ARE LAID, AND TO AUTHORIZE TOWNSHIP SUPERVISORS TO GRANT OR SELL TO SAID VILLAGE THE RIGHT TO LAY WATER MAINS IN THE HIGHWAY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Excelsior is hereby authorized to establish, maintain and regulate, by ordinance, a system of water works and a water works department, and to appoint officers therefor and prescribe their duties. And such water works, in addition to protection from fire, may be used to furnish water for private use to the inhabitants of said village, and to such other persons and companies as the council shall deem fit and on such terms

and subject to such regulations as the council may from time to time ordain; and such council is hereby authorized to make and enforce all needful rules and regulations for the management and use of said water works system and to levy and collect taxes for the use of water for private use, and to prescribe, inflict and collect fines and penalties for violation of such rules and regulations.

SEC. 2. For the purposes named in section one (1) of this act, said village council may purchase, erect and construct reservoirs, stand pipes, pumps, engines, engine houses, water mains and all other necessary apparatus needful for a complete system of water works suitable for said village; and if it shall be deemed necessary to take private property or use a public highway therefor, either within or without the corporate limits of said village, they shall cause an accurate survey and plat thereof to be made and filed with the recorder; and they may purchase, or take by donation, such grounds or highways as shall be needed for such purpose, by agreement with the owners, and take from them conveyances thereof to the village for such use or in fee. And if the use of a public highway outside of the village limits is needed to lay water mains, the village council may secure such right from the supervisors of the township through which such highway passes; and the supervisors of such township are hereby authorized to grant such privilege to said village upon such terms as they shall deem fit.

SEC. 3. If such village shall not be able to secure such grounds and such rights by agreement with the owners or with such township supervisors, they shall, by resolution, declare their purpose to take the same, and therein describe, by metes and bounds, the location of the proposed improvements and the land proposed to be taken therefor, describing, separately, each parcel and amount thereof owned by each distinct owner, mentioning the names of the owners or occupants so far as known; and if it is proposed to lay water mains in public highways outside of the limits of said village, then such resolution shall describe the highway and designate in what part thereof it is proposed to lay such water mains, and therein fix a day, hour and place when and where they will apply to a justice of the peace for a jury to condemn and appraise the same for the purpose for which the same is to be used. And all proceedings for the condemnation of said land, or to acquire the use of such highway, shall be conducted in the manner prescribed for condemnation of land by villages in the general laws of the state for incorporation of villages.

SEC. 4. In order to secure funds for the purposes named in this act, and before the issue of any village bonds therefor, and before taking any other steps towards establishing such system of water works, a special meeting of the electors of said village shall be called to vote upon the issue of bonds in this act provided for, which meeting may be called by order of the village council or by a request in writing addressed to and filed with the village recorder, which request shall be signed by at least five (5) electors of said village; and such order or request, as the case may be, shall state briefly the purpose of such special meeting, and shall name the streets intended to be used and the territory in general proposed to be covered by the proposed water works plant.

SEC. 5. Upon filing the request, or upon order of the village council, provided for in the preceding section, the village recorder shall

immediately cause notice to be posted in three (3) public places in said village, giving at least ten (10) days' notice of such special meeting. Such notice of special meeting shall specify the purpose for which such meeting is to be held, and shall name the streets in which water pipes are proposed to be laid and the territory in general intended to be covered by said water works plant, and no other business shall be transacted at said meeting except to vote upon the issue of bonds.

SEC. 6. The ballots used at the special meeting herein provided for shall have written or printed, or partly written and partly printed, thereon the words, "For bonds for water works," or the words, "Against bonds for water works."

The polls shall be opened at ten (10) o'clock A. M. and closed at four (4) o'clock in the afternoon of the same day. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters by some one of the judges of election. And the recorder shall make a true record thereof, and of all of the proceedings of such special meeting, in the book kept for recording proceedings of village elections. And the same officers shall conduct such special meeting as are required by law to conduct annual village elections.

SEC. 7. If a majority of all the votes cast are against the issue of bonds, then it shall be illegal for said council to issue bonds for said purpose, and no further proceedings shall be had for the establishment of any water works system as herein provided for, or otherwise, any general law of this state to the contrary notwithstanding; *Provided*, that the same question may in like manner be submitted and determined at any other special meeting called in like manner; *Provided further*, that the question shall not be submitted to vote oftener than once in each year.

SEC. 8. If a majority of all the votes cast at any special meeting in this act provided for are in favor of the issue of bonds, the village council shall have power, and shall proceed, to issue and negotiate bonds for not to exceed the sum of twenty thousand dollars (\$20,000), in such denominations as the council shall determine, and payable not less than twenty (20) years from the date of issue, with interest at a rate not to exceed six (6) per cent per annum, payable semi-annually, which bonds shall not be negotiated for less than par; *Provided, however*, that nothing herein shall be construed to prohibit said council from paying a reasonable commission to any person not a member of the council, for negotiating said bonds, not to exceed the sum of three hundred dollars (\$300) in all.

SEC. 9. Upon the issue and negotiation of village bonds as provided in this act, the village council shall proceed to secure plans and specifications, and as complete estimates as may be practicable, of all of the material, apparatus and labor, and the probable cost of the same, necessary to construct and erect a complete plant for a system of water works suitable for said village.

SEC. 10. The village council shall, upon the adoption of plans and securing of estimates, as provided for in the preceding section, appoint a commission of three (3) suitable men, who shall be electors and freeholders of said village, who shall have and take complete control and have exclusive supervision of all of the work of construction and erection of the water works plant, according to the plans and specifications adopted by the council as provided in section nine (9)

of this act, and such commission shall have authority to accept or reject the whole or any part of the material, apparatus and work needed or used in the erection and construction of said plant, and shall determine, on behalf of said village, all questions which may arise in the construction of said plant as to the compliance on the part of contractors or others with the plans and specifications for said plant adopted by said council, and a final acceptance of the plant, or any part thereof, by said commission, shall be binding upon said village, but such commission shall not have authority by virtue of this act to make or execute any contracts for labor or material used in the construction of said water works plant.

SEC. 11. For the purpose of securing funds for construction and establishment of the plant herein provided for, and extensions and enlargement thereof, in addition to the fund derived by sale of village bonds, and for the further purpose of establishing a sinking fund for the payment of the bonds herein provided for, the village council is hereby authorized to levy assessments upon the property fronting on the streets in which water mains are laid, not to exceed in all the sum of fifty (50) cents per front foot on each side of such streets, which assessments shall be divided into five (5) equal parts; and not to exceed one-fifth ( $\frac{1}{5}$ ) of the total amount assessed against any lot or parcel of land shall be levied or assessed in any one (1) year.

*Provided*, that the first (1st) of such assessments shall not be made until two (2) years after the completion of said plant, or extension or enlargement as the case may be, according to the plans adopted as provided in this act.

SEC. 12. The village council shall, by resolution, as soon as may be after two (2) years from the completion of said water works plant, or any extension or enlargement thereof, levy the assessments provided for in the preceding section, describing in such resolution each and every lot or parcel of land so assessed, and stating the amount assessed thereon and the owner thereof, if known. Such resolution, signed by the president of the council and village recorder, shall forthwith be published once in each week for two (2) successive weeks, in a newspaper regularly published in said village; or if there be no such newspaper, the village recorder shall cause three (3) copies thereof to be posted in three (3) public places in said village; and the recorder shall file a statement of such assessment with the village treasurer, which statement shall be designated "Water Tax Assessment Roll."

SEC. 13. At any time after the filing of the assessment roll with the village treasurer, and before the first (1st) day of September following, any party liable to pay such assessment may pay the same to the village treasurer, who shall give a numbered receipt therefor, and mark the same paid upon the assessment roll, and write the number of the receipt opposite such assessment. And all assessments not paid before the first (1st) day of such September shall be delinquent. On the first (1st) day of such September the village treasurer shall return the assessment roll to the village recorder, who shall forward to the county auditor a delinquent assessment roll, which shall contain all the items of the assessment roll in his office relating to delinquent assessments; and the county auditor shall add a penalty of ten (10) per cent thereto and put the same upon the tax roll, in addition to, and as a part of, all the village taxes therein levied on such land to be collected therewith.



SEC. 14. The proceeds of assessments provided in section eleven (11) of this act, which are not needed for the construction of said plant or its extension or enlargement, and all rents, fines, revenue, taxes and income received from said plant or for the use of water, which are not needed for the maintenance of said plant, shall be set apart in the treasury of said village for the exclusive purpose of paying said bonds and the interest thereon; and the council shall cause such excess to be invested in the bonds of said village or in other unquestioned securities, and all interest and principal on said bonds not herein otherwise provided for shall be paid by a general tax to be levied by said village council.

SEC. 15. If at any time the village council shall deem it for the best interests of said village to enlarge or extend the water works plant herein provided for, they are hereby authorized so to do by ordinance, and in such enlargement or extension the council shall be governed in all things by the provisions of this act, except as provided in this section.

*Provided*, no bonds shall be issued for such enlargement or extension, and no vote of the electors of said village shall be required upon the question of such enlargement or extension.

*Provided further*, that nothing in this act shall be construed to prohibit the village council from levying a general tax to pay a portion of the expense of establishing, extending or enlarging the water works system of said village.

SEC. 16. That part of section fifty-one (51) of Chapter one hundred and forty-five (145) of the General Laws of this state, approved March tenth (10th), eighteen hundred and eighty-five (1885), which requires all contracts for village improvements, except expenditures of road and poll tax, to be let to the lowest responsible bidder, after public notice of time and place for receiving bids therefor, shall not be obligatory upon the village council of the village of Excelsior in making the improvements in this act provided for; but it shall be optional with such council to do all or any part of said work in the manner in said section fifty-one (51) provided, or in such other manner as it shall deem fit so far as the letting of contracts and employment of labor is concerned.

SEC. 17. The village council of the village of Excelsior shall not grant a franchise to any person or company to establish or operate in said village the system of water works herein provided for, nor shall said council grant to any person or company any exclusive water works franchise for any system of water works.

Approved March 21, 1891.

## CHAPTER 192.

[S. F. No. 749.]

## AN ACT TO AUTHORIZE THE CITY OF LITTLE FALLS TO ISSUE BONDS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Little Falls is hereby authorized and empowered, under the restriction and for the purposes in this act designated, to issue from time to time as needed the bonds of said city, in such denominations, at such time of payment, not exceeding thirty (30) years, and at such place of payment as may be deemed best; such bonds to have semi-annual interest coupons, at such rate of interest not to exceed five (5) per cent per annum, payable at such place or places as said city council shall designate. And said city council is further authorized to negotiate and sell said bonds from time to time, upon the best terms for said city that may be obtained; *Provided, however*, that said bonds shall not be sold at less than par. All proceedings under this act shall be by resolution of said city council, to be approved by the mayor and published as provided by the charter of said city.

SEC. 2. The entire amount of the bonds issued under this act shall not exceed forty thousand (\$40,000) dollars. This act shall not be construed as in any manner prohibiting or interfering with the issue of any and all bonds the issue of which has heretofore been authorized. The signing or countersigning of any bonds purporting to be issued under and by authority of this act by the city officers authorized to sign the same, shall, in respect to all such bonds held by *bona fide* purchasers, be deemed conclusive evidence that the limitations of this section have been observed and that the act has been complied with.

SEC. 3. The avails of all bonds issued and sold under this act shall be placed in the city treasury of said city, and not to exceed thirty thousand (\$30,000) dollars of said bonds may be used for building, constructing and maintaining sewers, and not to exceed ten thousand (\$10,000) dollars of said bonds may be used for the permanent improvement of the fire department.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 193.

[H. F. No. 767.]

AN ACT TO AUTHORIZE THE CITY OF NORTHFIELD TO ISSUE BONDS  
FOR WORKS OF INTERNAL PUBLIC IMPROVEMENT.*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The common council of the city of Northfield, in the county of Rice, is hereby authorized, with the consent of the electors as hereinafter provided, to issue the bonds of the city to the amount of forty thousand (40,000) dollars, to be devoted to the improvement of the city with water works, electric lights and sewerage; the money to be applied to any one (1) or more of the above objects as the council by a two-thirds ( $\frac{2}{3}$ ) vote of the members elect may determine.

SEC. 2. The said bonds shall each be of the denomination of one thousand (1,000) dollars, payable in not more than twenty (20) years from the date thereof, with interest at no higher rate than five (5) per cent, and shall not be negotiated for less than par. And the bonds and coupons shall be signed by the mayor and countersigned by the recorder of the city.

SEC. 3. The question whether said bonds shall be issued shall be submitted to the legal voters of said city, at a special election called for that purpose by the authority of the said council, upon at least thirty (30) days' notice thereof, given by publication in the official newspaper of the city and posting a copy thereof at some conspicuous place in each ward.

SEC. 4. The ballots used at said election shall have printed or written, or partly printed and partly written, thereon, the words, "For the issue of bonds for internal improvements—Yes," or the words, "For the issue of bonds for internal improvements—No;" and if two-thirds ( $\frac{2}{3}$ ) of the ballots cast shall be in favor of the bonds, then it shall be lawful for said council to issue them, but not otherwise.

The election shall be conducted and the result determined in the same manner as is now provided by law for the election of the city officers.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 194.

[S. F. No. 657.]

AN ACT TO AUTHORIZE THE VILLAGE OF ELBOW LAKE, IN GRANT COUNTY, MINNESOTA, TO ISSUE BONDS FOR GENERAL PUBLIC IMPROVEMENT PURPOSES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Elbow Lake, in the county of Grant and state of Minnesota, is hereby authorized to issue bonds, in a sum not exceeding three thousand dollars (\$3,000), in the manner and subject to the conditions and in the manner hereinafter prescribed, and for the purpose of providing funds for making public improvements within the limits of said village.

SEC. 2. The recorder of said village shall, upon petition of five (5) resident voters, call a special election for the purpose of voting upon the issuance of the bonds above mentioned. Said election shall be held in the manner and form subject to the conditions prescribed by law for the holding of special elections in villages. At such election the ballot shall have written or printed, or partly written or printed, thereon the words, "For bonds," or "Against bonds." Those voting in favor of issuing such bonds shall vote "For bonds," and those voting against such bonds shall vote "Against bonds." If at said election a majority of all the votes cast be in favor of issuing such bonds, it shall thereupon be the duty of the village council of said village, by its proper officers, to issue said bonds in such denomination as to them shall seem most expedient; *Provided*, such bonds shall not draw a rate of interest to exceed eight (8) per cent per annum, payable annually; *And provided further*, that such bonds shall be redeemable in twenty (20) years after the date of issuance.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 195.

[S. F. No. 523.]

AN ACT TO AUTHORIZE THE CITY OF FARIBAULT, IN THE COUNTY OF RICE AND STATE OF MINNESOTA, TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A RAILROAD AND TO REGULATE THE ISSUE, CONTROL AND DISPOSITION OF SUCH BONDS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city of Faribault, in the county of Rice and state of Minnesota, is hereby authorized and empowered to issue its bonds to an amount not exceeding fifty thousand (50,000) dollars, to aid in

the construction of a railroad hereafter to be built, commencing at or near Fifteenth (15th) street in said city and extending thence in a southerly direction to some suitable point in said city at, near or beyond the "Straight River Stone Mill," so called; *Provided, however*, that said city shall not issue its bonds, nor become indebted in any manner to aid in the construction or equipment of any or all railroads, to any amount that shall exceed five (5) per centum of the value of the taxable property within said city, the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness.

SEC. 2. Whenever the board of trustees hereinafter named shall present to the common council of the city of Faribault a petition asking that the question of issuing bonds under the provisions of this act be submitted to the legal voters of said city, and shall pass and file with the city recorder of said city a resolution designating the amount of bonds to be issued, their denomination, rate of interest and time of maturity, it shall be the duty of such common council to call a special election and submit the question of issuing such bonds to the legal voters of said city. The vote thereon shall be taken by ballot, those voting in favor of issuing the same having written or printed, or partly written and partly printed, on their ballots the words, "For issuing bonds—Yes;" and those voting against the issue thereof having written or printed, or partly written and partly printed, on their ballots, "For issuing bonds—No." Such ballots shall be canvassed and returned in the same manner as ballots cast at a general election. If a majority of the ballots cast at such election shall have been in favor of issuing such bonds, the common council shall cause the same to be executed and delivered to said board of trustees; but no bonds shall be issued under the provisions of this act unless the question of their issue shall have been submitted to the legal voters of said city as herein provided, at a special election called for that purpose, and a majority of the ballots cast at such election were in favor of the issue thereof.

SEC. 3. The bonds hereby authorized to be issued shall have interest coupons attached and be issued in such denominations and bear annual interest at such rate not exceeding five (5) per cent per annum, and be made payable to the order of said board of trustees, at such time or times, not exceeding twenty (20) years after date thereof, as said board shall designate by the resolution passed and filed with the city recorder of said city as provided in section two (2) hereof. Said bonds and the coupons thereto attached shall be signed by the mayor and countersigned by the city recorder of said city.

SEC. 4. There is hereby created and established a board of nine (9) trustees, which shall consist of A. W. McKinstry, Hudson Wilson, S. L. Crocker, Thomas Carpenter, A. E. Haven, Andrew Fitler, A. H. Hatch, F. W. Winter and Patrick Devery, and be called and known as "The Faribault Board of Trustees." Whenever, on account of death, resignation, removal or otherwise, any vacancy shall occur in said board, it shall be the duty of the judge of the district court for the county of Rice, on receiving a petition therefor signed by five (5) or more of the legal voters of said city, to appoint some resident freeholder of said city to fill such vacancy. The said board is hereby authorized and empowered to take and receive said bonds in

trust, to negotiate, sell or dispose of the same at not less than their par value and to use or expend the proceeds thereof in such manner and on such terms as said board may determine in and about the construction of such railroad and the procuring of a right of way therefor.

SEC. 5. The common council of the city of Faribault shall annually levy a tax, sufficient in amount to pay the interest on said bonds, and at the proper time shall also levy a tax and provide a sinking fund sufficient to pay the principal of said bonds when the same becomes due and payable.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 196.

[S. F. No. 100.]

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF NEW ULM, IN BROWN COUNTY, TO ISSUE THE BONDS OF SAID CITY IN AID TO THE ST. PAUL, NEW ULM & SOUTHWESTERN RAILWAY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city council of the city of New Ulm, in Brown county, is hereby authorized and empowered to issue the bonds of said city, with interest coupons thereto attached, in the sum of twenty-four thousand (24,000) dollars, which bonds shall be used for the purpose of aiding the St. Paul, New Ulm & Southwestern Railway Company in the construction of its line of railroad into the said city of New Ulm.

SEC. 2. Said bonds shall be issued in sums not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars each, payable to the St. Paul, New Ulm & Southwestern Railway Company or bearer, and may bear interest at any rate not exceeding five (5) per cent per annum, payable annually, and the principal shall be payable at such time or times, not less than twenty (20), nor more than thirty (30), years after the date of said bonds; and said bonds may be made redeemable by the city at its pleasure, at any time after twenty (20) years and before their maturity, as said city council may by resolution determine. Said bonds and coupons thereto attached shall be signed by the mayor and attested by the city clerk of said city, and the bonds sealed with the seal of said city, and be payable in lawful money at such place or places as said city council shall designate.

SEC. 3. Said bonds when issued shall be placed in escrow with some suitable person to be selected by said city council, and who is a resident of said city of New Ulm, there to remain in safe custody and not to be delivered to said company until the railroad of said St. Paul,

New Ulm & Southwestern Railway Company is constructed and completed from its northern terminus into the city of New Ulm, when the said bonds shall be delivered by the custodian thereof to said company; *Provided*, that if the said railway company shall fail to so construct and complete said portion of its line of road within two (2) years from the date the said bonds are placed in escrow, then the custodian thereof shall redeliver the same to the city council of said city for cancellation and said bonds shall thereafter be null and void.

SEC. 4. Said city council is hereby authorized and empowered, and it is hereby made their duty, to levy a tax from time to time upon taxable property of said city, sufficient to meet the payment of the interest coupons as they shall become due and until the payment of principal and interest of said bonds is fully provided for; which taxes shall be payable in money and shall constitute a fund for the payment of said bonds and interest thereon, and shall not be applied to any other purpose whatever until said bonds and interest are fully paid, after which any surplus proceeds of such taxes shall be placed in the general fund of said city.

SEC. 5. Before any bonds shall be issued under the provisions of this act, the question of issuing such bonds shall be submitted to the qualified voters of the city of New Ulm at a general or special election, in the discretion of the city council of said city of New Ulm. If at a special election, ten (10) days' notice of such election shall be given by the city clerk of said city. The ballots to be used at such election shall have written or printed, or partly written and partly printed, thereon "For the issuance of twenty-four thousand dollars (\$24,000) of bonds to aid in the construction of the St. Paul, New Ulm & Southwestern Railway Company—Yes—No," and each voter voting thereon shall erase, mark, cross or scratch out one of said words "Yes" or "No" and leave the other on the ballot when deposited in the ballot box; and no ballot shall be counted except those having one of said words "Yes" or "No" thereon. Such election shall be held conformable to the provisions of law for general or special elections in said city of New Ulm, and the ballots shall be counted, canvassed and returned in the manner provided for the election of city officers of said city; and if at such election it appears that a majority of all the votes cast upon said questions are in favor of issuing said bonds, then the city council may issue said bonds in the manner hereinbefore provided.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

## CHAPTER 197.

[S. F. No. 670.]

AN ACT TO ENABLE THE CITY OF HENDERSON, SIBLEY COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF ANY RAILROAD OR RAILROADS WHICH MAY HEREAFTER RUN INTO SAID CITY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the city of Henderson, in the county of Sibley and state of Minnesota, is hereby authorized to issue its bonds, as hereinafter provided, to aid in the construction of any railroad or railroads which may hereafter run into said city; *Provided, however,* that said city shall not be allowed to vote bonds for the above named purpose to a greater amount than five (5) per cent of the taxable property of said city as appears upon the assessment roll of the preceding year.

SEC. 2. Whenever a petition shall be presented to the city council of said city of Henderson, signed by fifteen (15) resident freeholders of said city, asking that the question of aiding in the construction of any railroad or railroads as above provided, and stating the amount desired to be furnished as such aid, and the names or designation of the railroad or railroads proposed to be aided thereby, be submitted to the legal voters of said city, it shall be the duty of said city council to immediately give a notice of an election, by publication in some newspaper printed and published in said city, also by posting copies thereof in five (5) public places in said city, at least fifteen (15) days before such election, which notice shall specify the time and place of holding such election, the amount of bonds proposed to be issued by the city, the time of payment, how the bonds shall be paid, and the rate of interest to be paid on such bonds, the terms of issue and the delivery of the same. And the voting at such election shall be by ballot; those voting in favor of issuing said bonds having printed or written, or partly printed and partly written, on their ballots the words, "For issuing bonds—Yes," and those voting against issuing said bonds having printed or written, or partly printed and partly written on their ballots the words, "For issuing bonds—No."

SEC. 3. Such vote shall be received and canvassed by the judges of election of said city, duly appointed for such purpose, in the same manner as votes for city officers are canvassed, and the returns shall be made in the same time and manner as annual election returns are made; and if it appears from such canvass that a majority of the voters present and voting at such election have voted in favor of the issuance of such bonds, then the city council of said city shall cause said bonds to be issued as herein provided.

SEC. 4. Said bonds shall be issued in sums of not less than five hundred dollars (\$500) each, and bear interest at a rate not exceeding five (5) per cent per annum, payable annually. They shall run for a period not exceeding twenty (20) years from their respective dates and be made payable to bearer. The bonds shall be signed by the mayor and be countersigned by the city clerk of said city.



SEC. 5. The city council of said city shall, annually, levy a tax in an amount sufficient to pay the interest on said bonds, and also to pay the principal of said bonds as it becomes due. Such taxes shall be levied and collected as other taxes are now levied and collected.

SEC. 6. No bonds shall be issued and delivered to any railroad company or corporation under the provisions of this act until after the road for which such bonds have been voted shall have been completed ready for the running of cars into said city.

SEC. 7. In case of the submission of the question of issuing bonds as aforesaid, and the same having been voted down in said city, the same question, upon a new petition, may again be submitted in the same manner and with the same effect as at the previous special election; *Provided*, that no more than one (1) special election under this act shall be held in said city in any one (1) year, unless held upon a day of general election in said city.

SEC. 8. The public use and benefit of railroads that may be constructed under this act is hereby declared.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 198.

[H. F. No. 1250.]

AN ACT AUTHORIZING THE VILLAGE OF DETROIT, IN BECKER COUNTY, TO ISSUE BONDS FOR THE CONSTRUCTION OF SEWERS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Detroit, in the county of Becker, is hereby authorized and empowered to issue the bonds of said village, not to exceed the amount of five thousand (5,000) dollars, with coupons attached. The said bonds, or the proceeds therefrom obtained, to be expended by said village council in aid of the erection and maintenance of sewers in said village; said bonds to be delivered, negotiated and expended under such directions and guarantees as to said village council may seem most proper and expedient.

SEC. 2. Said bonds shall be of such denominations as said village council shall by resolution determine, and shall bear interest at a rate of not exceeding seven (7) per cent per annum, payable annually, and the principal shall be payable at such time or times, not more than fifteen (15) years after the date of issuance of the same, as said village council shall determine.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the president of said village council, and be attested by the recorder, and have attached the seal of said village; and the said recorder shall keep a true record of all the bonds issued under the

provisions of this act. But the said village council shall not have authority to negotiate said bonds for less than their par value.

**SEC. 4.** The proposition to issue said bonds hereinbefore mentioned shall be submitted to a vote of the electors of said village of Detroit, at a special election to be held for that purpose, at such time as may be determined upon by the village council of said village. Notice of such special election shall be given in the same manner as by law required for general village elections; and such special election shall be conducted, and the votes thereat canvassed, in the same manner as by law required for general village elections. At such special election all persons voting in favor of the issuance of such bonds shall have printed or written, or partly printed and partly written, on their ballots, the words, "Sewer Bonds—Yes." Those voting against the issuance of such bonds, the words, "Sewer Bonds—No." If a majority of the electors of said village, voting at said election shall vote in favor of the issuance of said bonds, then, and in that case, section one (1) of this act shall be in full force and effect; but if a majority of such electors shall vote against the issuance of said bonds, then, and in that case, it shall not be lawful for the village council to issue or negotiate the bonds mentioned in section one (1) of this act, or any part of the same.

**SEC. 5.** This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 199.

[H. F. No. 850.]

AN ACT TO AUTHORIZE THE VILLAGE OF ATWATER, IN KANDIYOH county, TO ISSUE ITS BONDS FOR THE PURPOSE OF FUNDING ITS FLOATING INDEBTEDNESS, AND FOR THE PURPOSE OF IMPROVING AND PERFECTING ITS SYSTEM OF FIRE PROTECTION AND FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF SAID VILLAGE FOR THE FISCAL YEAR ENDING MARCH NINTH (9TH), ONE THOUSAND EIGHT HUNDRED AND NINETY-TWO (1892).

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** The village council of the village of Atwater, in Kandiyohi county, is hereby authorized and empowered to issue at any date prior to January first (1st), one thousand eight hundred and ninety-two (1892), the bonds of said village, with interest coupons attached, not exceeding in amount the sum of four thousand dollars (\$4,000), for the purpose of funding the floating indebtedness of said village and for the purpose of improving and perfecting its system of fire protection, and for the further purpose of paying the current expenses of said village for the fiscal year ending March ninth (9th), one thousand eight hundred and ninety-two (1892).

SEC. 2. The said bonds shall be issued in sums of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), and shall bear interest at a rate not to exceed seven (7) per cent per annum, payable annually on the surrender of the proper interest coupons. The principal of said bonds shall be payable in not less than ten (10) years, nor more than twenty (20) years, from the date of the issue thereof, and both principal and interest shall be payable at such a place as the common council of said village of Atwater may provide.

SEC. 3. The said bonds issued under the provisions of this act shall be signed by the president of the common council of the said village of Atwater and shall be attested by the recorder of said village, and the latter shall keep a record of all the bonds so issued.

SEC. 4. Said bonds shall not be negotiated or sold by the president or common council of said village of Atwater for less than their face value.

SEC. 5. The common council of said village of Atwater are hereby authorized to levy an annual tax on the taxable property of said village, in addition to other taxes required by law to be levied, sufficient to pay the interest on said bonds as the same matures, and they are also authorized, after the expiration of five (5) years from the date of the issue of said bonds, to levy an annual tax on the taxable property of said village, in addition to other taxes required by law, for the purpose of establishing a sinking fund to be used in paying the principal of said bonds as the same may mature.

SEC. 6. The proposition to issue the bonds aforesaid shall be submitted to the legal voters of said village of Atwater, at a special election to be held for that purpose, at such time and place as may be designated by the common council of said village. Those voting in favor of said issue of bonds shall have written or printed, or partly written and partly printed, on their respective ballots the words "For issue of bonds," and those voting against the same the words "Against issue of bonds." Said voting shall be conducted in the same manner as prescribed by law for the election of village officers, and the votes shall be counted, returned and canvassed in the same manner as votes cast for village officers, and if upon such canvass it appears that a majority of all votes cast on said proposition shall be in favor of issuing said bonds, then the president and common council of said village shall issue the said bonds as prescribed by this act, and the proceeds thereof shall be used for the purposes provided for in section one (1) of this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 200.

[H. F. No. 998.]

AN ACT TO LEGALIZE THE VOTE UPON, AND AUTHORIZE THE ISSUANCE OF, CERTAIN BONDS OF THE VILLAGE OF GAYLORD, TO AID IN THE ERECTION OF A VILLAGE HALL AT GAYLORD, IN SIBLEY COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. WHEREAS, The proposition to issue bonds of the village of Gaylord, in Sibley county, Minnesota, to the amount of five thousand dollars (\$5,000), for the purpose of aiding in the erection of a village hall at said Gaylord, was duly submitted to the legal voters of said Gaylord for their approval or rejection at the annual election duly called and held on the tenth (10th) day of March, one thousand eight hundred and ninety-one (1891), and it was found on a canvass that a large majority of the legal voters of said village present and voting on said proposition at said election voted in favor of said proposition;

*Now, therefore,* The submission of the said proposition as aforesaid to issue bonds of said village for the purpose aforesaid, to said voters at said election, is hereby legalized and in all respects confirmed; and the village council of said village of Gaylord are hereby authorized and empowered to issue said bonds for said amount and for said purpose pursuant to said vote and the provisions of an act approved March eleventh (11th) of Special Laws of eighteen hundred and ninety-one (1891) of the state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 201.

[H. F. No. 1249.]

AN ACT AUTHORIZING THE VILLAGE OF DETROIT, IN BECKER COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF MAINTAINING A SYSTEM OF WATER WORKS AND RESERVOIRS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Detroit, in the county of Becker, is hereby authorized and empowered to issue the bonds of said village, not to exceed the amount of ten thousand (10,000) dollars, with coupons attached. The said bonds, or the proceeds therefrom obtained, to be expended by said village council in aid of the erection and maintenance of water works in said village, and

in the maintenance of a system of reservoirs for use in cases of fire; said bonds to be delivered, negotiated and expended under such directions and guarantees as to said village council may seem most proper and expedient.

SEC. 2. Said bonds shall be of such denominations as said village council shall by resolution determine, and shall bear interest at a rate of not exceeding seven (7) per cent per annum, payable annually, and the principal shall be payable at such time or times, not more than fifteen (15) years after the date of issuance of the same, as said village council shall determine.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the president of said village council and be attested by the recorder, and have attached the seal of said village; and the said recorder shall keep a true record of all the bonds issued under the provisions of this act. But the said village council shall not have authority to negotiate said bonds for less than their par value.

SEC. 4. The proposition to issue said bonds hereinbefore mentioned shall be submitted to a vote of the electors of said village of Detroit, at a special election to be held for that purpose, at such time as may be determined upon by the village council of said village. Notice of such special election shall be given in the same manner as by law required for general elections, and such special election shall be conducted, and the votes thereat canvassed, in the same manner as by law required for general village elections. At such special election all persons voting in favor of the issuance of such bonds shall have printed or written, or partly printed and partly written, on their ballots the words, "Water Work Bonds—Yes." Those voting against the issuance of such bonds, the words, "Water Work Bonds—No." If a majority of the electors of said village voting at said election shall vote in favor of the issuance of said bonds, then, and in that case, section one (1) of this act shall be in full force and effect; but if a majority of such electors shall vote against the issuance of said bonds, then, and in that case, it shall not be lawful for the village council to issue or negotiate the bonds mentioned in section one (1) of this act, or any part of the same.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

## CHAPTER 202.

[H. F. No. 1242.]

AN ACT TO AUTHORIZE THE VILLAGE OF NEW RICHLAND, IN WASECA COUNTY, TO ISSUE ITS BONDS TO THE AMOUNT OF THREE THOUSAND (3,000) DOLLARS, FOR THE PURPOSE OF PROCURING A WATER SUPPLY FOR SAID VILLAGE AND THE ERECTION OF THE NECESSARY BUILDINGS, PURCHASING AND PLACING IN POSITION THE NECESSARY MACHINERY AND APPLIANCES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION. 1. The common council of the village of New Richland is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of three thousand (3,000) dollars, in such denominations as may by said council be deemed proper, payable in not more than ten (10) years, and to bear interest not greater than nine (9) per cent per annum, payable semi-annually, for the purpose of procuring a water supply for said village, the purchase of necessary grounds, the erection of water works with all necessary pumps, pipes, tanks, mills and machinery for the proper distribution of water within the limits of said village; *Provided*, that said bonds shall not be sold for less than par and shall be known as water bonds of said village.

SEC. 2. Before issuing any such bonds the common council shall submit to the legal voters of said village a proposition, to be voted on by them at any general charter election or at a special election called for that purpose, which proposition shall distinctly state the amount of bonds to be issued, the purposes for which they are to be issued, the time when payable and the rate of interest they shall bear within the limitations of section one (1). At said election those voting in favor of said issue shall have written or printed upon the ballots used the words "For the issue of bonds for water supply—Yes," and those voting against such issue, a ballot containing the words "For the issue of bonds for water supply—No." Such vote shall be canvassed and returned in the same manner prescribed by law for the canvassing and returning of the votes cast for village officers; and if at said election a majority of the legal voters voting on said proposition shall vote for the issue of bonds for water supply "Yes," then said bonds may be issued in accordance with said proposition and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

## CHAPTER 203.

[S. F. No. 221.]

AN ACT TO AUTHORIZE THE VILLAGE OF MADELIA, IN WATONWAN COUNTY, TO CONSTRUCT AND MAINTAIN A SYSTEM OF WATER WORKS AND SEWERAGE IN SAID VILLAGE AND TO ISSUE ITS BONDS, TO THE AMOUNT OF TWELVE THOUSAND (12,000) DOLLARS, TO PAY FOR THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village of Madelia, in the county of Watonwan, state of Minnesota, is hereby authorized and empowered to construct and maintain a system of water works and sewerage for said village and to acquire such property as may be necessary therefor, and for that purpose issue and negotiate the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of twelve thousand (\$12,000) dollars, payable in such times and places and drawing such annual rate of interest, not to exceed six (6) per cent per annum, as the village council of said village shall by resolution determine.

SEC. 2. No bonds shall be issued until such issue shall be authorized by a majority of the legal voters of said village present and voting at any general or special election, called, noticed and held as elections for village officers are or may be held in said village; and should the electors of said village determine by their votes, at any election at which said question of issuing bonds has been so submitted to their votes as aforesaid, that said bonds shall not be issued, then, in that case, the common council of said village may in like manner as hereinbefore mentioned resubmit such question to the vote of said electors of said village, as often as the common council may deem advisable, after an adverse determination of such question by said electors at any election; *Provided, however*, that said question shall not be resubmitted to a vote of said electors at any election held at any time before the expiration of three (3) months from and after the date of any election at which such question has been submitted or resubmitted to a vote of the electors.

SEC. 3. At any such election aforesaid at which said question relating to the issue of bonds pursuant to the provisions of this act shall be submitted or resubmitted to a vote of the electors of said village, those voters in favor of issuing said bonds shall have written or printed, or partly written or printed, upon their ballots the words, "Water works bonds—Yes," and those electors opposed to the issue of said bonds shall have written or printed, or partly written or printed, upon their ballots the words, "Water works bonds—No." Such votes shall be counted, canvassed and returned in the same manner as is prescribed by law for the counting, canvassing and returning of votes for village officers for said village. If the majority of the votes so cast at any election at which said question has been submitted or resubmitted to a vote of said electors shall be in favor of issuing said

bonds, the common council of said village shall proceed to issue the same, or so much thereof as may be found necessary; *Provided*, none of said bonds shall be sold less than par.

SEC. 4. The village council of said village are hereby authorized to levy a tax upon the taxable property of said village of an amount sufficient to pay the interest of said bonds issued under the provisions of this act and to pay the principal of said bonds as they mature.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 204.

[S. F. No. 223.]

AN ACT TO AUTHORIZE THE VILLAGE OF WAVERLY, IN WRIGHT COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A TOWN HALL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Waverly, in the county of Wright, is hereby authorized and empowered to issue the bonds of said village, not to exceed the amount of four thousand (4,000) dollars, with coupons attached. The said bonds, or the proceeds thereof, to be expended by said village council in erecting and completing a town hall in said village; said bonds to be delivered, negotiated and expended under such directions and guarantees as to said village council may seem most proper and just.

SEC. 2. Said bonds shall be of such denominations as said village council may, by resolution, determine, and shall bear interest at a rate not to exceed eight (8) per cent per annum, payable annually, and the principal shall be due and payable at such time or times, not to exceed ten (10) years from and after the date of issuance of said bonds, as said village council shall determine; but no more of said bonds shall be issued than are necessary in erecting and completing said town hall, and no part of the proceeds of any of said bonds shall ever be devoted to any other purpose.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the president of said village council and be attested by the recorder and have attached the seal of said village; and the said recorder shall keep a true record of all the bonds issued under the provisions of this act, the number, date and amount of each, to whom sold and when due; but the said village council shall not have authority to negotiate said bonds at less than their par value.

SEC. 4. The proposition to issue said bonds hereinbefore mentioned, or any part thereof, shall be submitted to a vote of the electors of said village of Waverly, at a special election to be held for that purpose, at such time as may be determined upon by the village council of said village. Notice of such special election shall be given in the same



manner as by law required for general village elections, and such special election shall be conducted and the votes thereat canvassed in the same manner as required by law for general village elections.

At such special election all persons voting in favor of the issuance of such bonds shall have printed or written, or partly printed and partly written, on their ballots the words, "Town hall bonds—Yea." Those voting against the issuance of such bonds, the words, "Town hall bonds—No." If a majority of the electors of said village voting at such election shall vote in favor of the issuance of said bonds, then, and in that case, section one (1) of this act shall be in full force and effect; but if a majority of such electors voting at such election shall vote against the issuance of said bonds, then, and in that case, it shall not be lawful for the village council of said village to issue or negotiate the bonds mentioned in section one (1) of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 205.

[S. F. No. 288.]

AN ACT TO AUTHORIZE THE VILLAGE OF WINTHROP, IN SIBLEY COUNTY, MINNESOTA, TO ISSUE THE BONDS OF SAID VILLAGE TO THE AMOUNT OF FIVE THOUSAND (5,000) DOLLARS, FOR THE CONSTRUCTION OF WATER WORKS AND A SYSTEM OF ELECTRIC LIGHTS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Winthrop, in the county of Sibley, Minnesota, is hereby authorized and empowered to issue and negotiate the bonds of said village, to an amount not exceeding five thousand (5,000) dollars, for the purpose of constructing and maintaining water works and a system of electric lights in said village.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars each, and shall bear interest at a rate not to exceed eight (8) per cent per annum, payable annually, and the principal shall be payable at such time or times, not less than five (5) nor more than ten (10) years after the date of said bonds, as said village council may by resolution provide, and shall be signed by the president and attested by the recorder of said village and the seal of said village shall be attached thereto; the interest coupons shall also be signed by the president and recorder of said village; both principal and interest shall be payable at such place or places as said village council may designate.

*Provided*, that said bonds shall not be negotiated or sold for less than par value.

SEC. 3. The proposition to issue said bonds shall be submitted to a vote of the electors of said village of Winthrop, at any annual village election held after the passage of this act or at any duly called

special election of said village called for that purpose; *Provided*, that notice of the submission of the proposition to issue said bonds shall be given by the village recorder in the notice of the annual or special election at which said proposition is to be submitted.

The ballots to be voted at such election shall have written or printed, or partly written and partly printed, upon them the words, "For issuing bonds for water works and electric light—Yes;" or, "For issuing bonds for water works and electric light—No." But no ballot shall be thrown out or held invalid for failure to conform to the above requirements, if it substantially complies therewith, and if the intention of the voter is clearly ascertainable therefrom; and if a majority of the votes cast at such election are in favor of the issue of such bonds, then the village council of the village of Winthrop shall issue such bonds as herein provided.

SEC. 4. The village council of said village of Winthrop is hereby authorized to levy a tax upon the taxable property of said village of an amount sufficient to pay the interest of said bonds issued under the provisions of this act and to pay the principal of said bonds as they mature.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 206.

[H. F. No. 371.]

### AN ACT TO AUTHORIZE THE CITY OF WINONA TO ISSUE BONDS FOR WATER WORKS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the city council of the city of Winona is hereby authorized and empowered, by a vote of a majority of its members, to issue the bonds of the city, with interest coupons attached, to the amount of fifty thousand dollars (\$50,000), or so much thereof as said council may deem necessary, for the purpose of enlarging and extending the city water works in said city, and of acquiring such machinery and property as may be necessary therefor, and of laying water pipes and mains in said city.

SEC. 2. That the said bonds shall be of the denomination of one thousand dollars (\$1,000) each, and shall be payable at such times, within fifty (50) years from the date of their issue, as the city council may designate, subject to the provisions of the charter of said city of Winona respecting the amount which shall be made payable in any one (1) year. Said bonds shall be drawn payable to bearer or to the order of the person or corporation to whom they may be delivered, as the city council may deem best, shall draw interest, payable annually, at such places as the city council may determine, at a rate not exceeding five (5) per cent per annum, to be represented by coupons attached to said bonds. Said bonds shall be signed by the

mayor and attested by the recorder of said city of Winona, and the corporate seal of said city shall be imprinted upon said bonds, and said coupon shall be signed by said recorder, and the principal of said bonds shall be made payable at such place as the city council shall determine.

SEC. 3. That it shall be the duty of the city council to levy taxes on the taxable property of said city to meet and pay the interest and principal of said bonds as the same shall be payable, according to the terms thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

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## CHAPTER 207.

[H. F. No. 95.]

AN ACT TO AUTHORIZE THE VILLAGE OF STEPHEN, IN THE COUNTY OF MARSHALL AND STATE OF MINNESOTA, TO CONSTRUCT AND MAINTAIN WATER WORKS AND TO ISSUE BONDS TO PAY FOR THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That for the purpose of defraying the cost and expense of constructing water works for the village of Stephen, in the county of Marshall, state of Minnesota, and for the purpose of defraying the cost and expense of acquiring such property as may be necessary for such construction, and for the purpose of defraying the cost and expense of purchasing the necessary machinery and apparatus therefor, the village of Stephen is hereby authorized and empowered to issue its bonds, to be called "Village of Stephen Water Works Bonds," to an amount not exceeding ten thousand (\$10,000) dollars, in denominations of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars, bearing interest at a rate not exceeding eight (8) per cent per annum, payable semi-annually. The principal of said bonds to mature and become payable in ten (10) years from the date thereof. The several installments of interest accruing upon such bonds shall be evidenced by coupons there-to attached, and such bonds and coupons shall be signed by the president of said village and attested by the recorder of said village. No such bonds shall be sold, or in any manner disposed of, by said village or said board of trustees at less than their par value; nor shall such bonds be issued until a majority of the legal voters of said village present and voting at the annual or special election of said village shall, in the manner hereinafter provided, authorize and determine that the same be issued.

SEC. 2. Whenever said board of trustees shall determine to issue any such bonds, it shall adopt and enter upon its records a resolution setting forth the purpose for which such bonds are to be issued, the number and denominations of such bonds to be so issued, the rate of interest thereon and how payable, and shall also determine the time when the question of the approval or rejection of such resolution and of the issuing of such bonds will be submitted to the legal voters of said village for their determination; and shall, if such question of the issuing such bonds is not submitted at the annual village election of said village, order a special election to be held within said village, upon a day to be designated in such resolution, for the purpose of submitting such question to such voters. And thereupon the village recorder of said village shall cause a copy of such resolution, together with a notice of the time and place of holding such election and the question to be submitted and voted upon at such election, to be posted up in at least three (3) public and conspicuous places in said village, at least ten (10) days prior to the day of holding such election.

SEC. 3. The voters at any such election voting in favor of the approval of such resolution and the issuing of such bonds, shall use printed or written, or partly printed and partly written, ballots, which shall read as follows, "For the approval of the resolution of board of trustees authorizing the issue and sale of the bonds of the village of Stephen in the sum of ten thousand (\$10,000) dollars, for the construction of water works in said village—Yes;" and those voting against the approval of such resolution and the issuing of such the bonds shall use printed or written, or partly printed and partly written, ballots, which shall read as follows: "For the approval of the resolution of the board of trustees authorizing the issue and sale of the bonds of the village of Stephen in the sum of ten thousand (\$10,000) dollars, for the construction of water works in said village—No." If a majority of the votes cast at any such election shall be in favor of the approval of such resolution and the issuing of such bonds, then the said board of trustees may issue such bonds in the amount and upon the terms and conditions in such resolution specified. If a majority of such votes shall be against such approval and issuing such bonds, the same, or another resolution authorizing the issue of the bonds for the purposes herein specified, may, at any time after the expiration of six (6) months, be again submitted to a vote of the legal voters of said village in the manner herein provided.

SEC. 4. The board of trustees of said village shall make provisions, by the levying of taxes, for the payment of such bonds and interest as they shall mature.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 208.

[H. F. No. 324.]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE VILLAGE OF  
WINDOM TO ISSUE BONDS FOR INTERNAL IMPROVEMENT PUR-  
POSES.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the village of Windom, in the county of Cottonwood, is hereby authorized to issue bonds, to be known as "Improvement Bonds," at such times, in such amounts and for such purposes as may be authorized by a vote of the citizens of said village as hereinafter provided, not exceeding in the aggregate the sum of twenty-five thousand dollars (\$25,000).

SEC. 2. Whenever the common council of said village shall deem it necessary to issue any of such bonds for any internal improvement needed by such village, it shall, by resolution, determine the amount to be issued, the object for which the money is to be raised, the length of time the bonds shall run, the denomination of said bonds and the rate of interest to be paid thereon. The question of the issue of such bonds pursuant to such resolution shall then be submitted to the legal voters of said village at a general or special election, due notice thereof being first given according to law; and if a majority of the ballots cast upon such question shall be in favor of the bonds provided for in such resolution, the same may be issued and sold and the proceeds thereof be applied to the prosecution of the internal improvement specified in such resolution; *Provided, however,* that no bond shall be issued for a longer period than thirty (30) years, nor bear a higher rate of interest than seven (7) per cent per annum or be sold for less than par.

SEC. 3. The common council of said village is hereby authorized to levy such taxes as may be necessary upon the property within said village to provide for the payment of the principal and interest of any bonds issued under the provisions of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

- Approved February 27, 1891.

## CHAPTER 209.

[H. F. No. 777.]

AN ACT TO AUTHORIZE THE TOWN OF MONTICELLO, IN THE COUNTY OF WRIGHT AND STATE OF MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF A BRIDGE ACROSS THE MISSISSIPPI RIVER AT SAID MONTICELLO.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the supervisors of the town of Monticello, in the county of Wright and state of Minnesota, are hereby authorized and empowered to issue the bonds of said town for the purpose of aiding in the construction of a bridge across the Mississippi river at said Monticello, in a sum not exceeding four thousand (4,000) dollars, in such denominations as said supervisors may determine.

SEC. 2. Such bonds shall bear interest at a rate not to exceed seven (7) per cent per annum, payable either semi-annually or annually, and the principal shall be due and payable at such time or times, not exceeding ten (10) years from the date of said bonds, as said supervisors may determine, and shall be signed by the chairman of such supervisors and attested by the town clerk of said town.

SEC. 3. The supervisors of said town shall, annually, after the date of issuance of said bonds, levy, in addition to all other taxes, an amount sufficient to pay the interest on such bonds as shall be issued under this act, and sufficient to pay so much of the principal as comes due in any such year, which tax shall be extended upon all of the property in said town, both in the village of Monticello and in the township outside of the said village.

SEC. 4. Said bonds shall be negotiated by said supervisors at not less than par value, and the proceeds thereof shall be used for no other purpose than for the purpose of aiding in the construction of such bridge.

SEC. 5. The propositions to issue said bonds shall be submitted to a vote of said town at any annual or special meeting after the passage of this act, notice of which shall be given by the town clerk of said town, in the same manner as for other such annual or special meetings. The ballots shall have thereon the words, "In favor of issuing bonds—Yes;" or, "In favor of issuing bonds—No." If a majority of the votes cast at said meeting on said subject is in favor of the issue of said bonds, then, and in that case, said supervisors shall have power to issue said bonds, and not otherwise.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 210.

[H. F. No. 844.]

AN ACT TO AUTHORIZE THE CORPORATE AUTHORITIES OF THE VILLAGE OF FULDA, MURRAY COUNTY, MINNESOTA, TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SYSTEM OF WATER WORKS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the village of Fulda, Murray county, Minnesota, is hereby authorized to issue the bonds of said village, with interest coupons attached, to an amount not exceeding the sum of five thousand dollars (\$5,000), in such denominations as may by said council be deemed proper, payable in not more than twenty (20) years, and to bear interest not greater than seven (7) per cent per annum, for the purpose of procuring a water supply for said village, the erection of water works, with all the necessary pumps, pipes, tanks, mills and machinery for the proper distribution of water within the limits of said village; *Provided*, that said bonds shall not be sold for less than par, and shall be known as "Public Improvement Bonds" of said village.

SEC. 2. Before issuing any of such bonds the common council shall submit to the legal voters of said village the proposition, to be voted on by them at any general election, or at a special election called for that purpose, which proposition shall distinctly state the amount of bonds to be issued, the purpose for which they are to be issued, the time when payable; and if at said election a majority of the legal voters voting on said proposition shall vote "For issuing bonds," then said bonds may be issued in accordance with said proposition and not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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CHAPTER 211.

[S. F. No. 67.]

AN ACT LEGALIZING THE ACTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORWOOD, IN CARVER COUNTY, AND TO AUTHORIZE THE VILLAGE COUNCIL TO ISSUE BONDS TO FUND THE FLOATING INDEBTEDNESS OF SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all and singular the acts and proceedings of the village council of the village of Norwood, in Carver county, Minnesota, in the issuance of three (3) certain orders to James Slocum, Jr.,

dated on the fourth (4th) day of August, one thousand eight hundred and eighty-nine (1889) for the sum of one thousand (\$1,000) dollars each, pursuant to the vote of the citizens of said village, be and the same are hereby in all things legalized and made valid.

SEC. 2. The village council of the village of Norwood, in Carver county, for the purpose of funding the floating indebtedness of said village, as specified in section one (1) of this act, are hereby authorized to issue the bonds of said village in the sum of three thousand (\$3,000) dollars, payable in three (3), four (4) and five (5) years from date, with interest not to exceed eight (8) per cent per annum; *Provided*, said bonds shall not be negotiated for less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

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## CHAPTER 212.

[S. F. No. 562.]

AN ACT TO AUTHORIZE THE CITY OF BRAINERD TO ISSUE BONDS FOR THE CONSTRUCTION OR PURCHASE OF A DAM ACROSS THE MISSISSIPPI RIVER WITHIN THE CORPORATE LIMITS OF THE CITY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The city council of the city of Brainerd, in Crow Wing county, is hereby authorized and empowered to issue the bonds of said city, to an amount not exceeding the sum of eighty thousand (\$80,000) dollars, for the purpose of constructing a dam across the Mississippi river within the corporate limits of said city or for the purpose of purchasing the dam already constructed across the Mississippi river within the corporate limits of said city; *Provided*, that said bonds shall not be issued before such issue is approved by a majority of the legal voters of said city of Brainerd voting upon the question of such issue at a general, special or municipal election, and the city council of said city of Brainerd is hereby empowered and authorized to call a special election at any time, for the purpose of submitting the question of such issue of bonds to the legal voters of said city, and to have said question submitted to a vote at any general or municipal election, giving due notice thereof according to the provisions of the law governing elections.

SEC. 2. Said bonds shall be issued in sums not less than five hundred (500) dollars nor more than one thousand (1,000) dollars, with interest coupons attached, and shall bear interest at a rate not to exceed six (6) per cent per annum, payable semi-annually, and shall be payable at such time or times, not less than ten (10) nor more than twenty (20) years after their date, and at such place as said city council shall by resolution provide, and said bonds shall be signed by the mayor of said city and countersigned by the city clerk of said city



and sealed with the corporate seal of said city. And the city council of said city shall have authority to negotiate, sell and dispose of the whole or any part of said bonds for the purposes hereinbefore prescribed, in such manner as shall in their judgment best subserve the interests of said city; but neither the said bonds nor the proceeds from the sale thereof shall be used for any other purposes than those specified in this act.

SEC. 3. Such dam when so constructed or purchased shall be the property of said city and shall be used, along with the appurtenances, as far as may be convenient or necessary, for the purpose of supplying the electric light system now owned by said city, the city's water works system, should the same hereafter become the property of said city, and such other public works belonging to said city or hereafter by it acquired, as may have need thereof, with suitable and adequate power for their operation. And such dam and its appurtenances shall be used and employed for these and such other public purposes for which it may be, or may hereafter be made, adapted.

SEC. 4. Should such dam when so constructed or purchased afford or supply a surplus of power over and above the amount which may at any time be needed for the purposes in section three (3) hereof enumerated, the city council of said city of Brainerd is hereby authorized and fully empowered to lease such surplus or any part thereof for such purposes, on such terms, for such periods and at such rates as to it may seem desirable or as may be feasible and from such other productive sources or uses as may be afforded by said dam and its appurtenances or as the same may be adapted for, to secure, by lease, contract or otherwise, such revenues as may be possible. And for the purpose of carrying out any of the provisions of this section said city of Brainerd, under the authority and direction of its common council, is hereby authorized and fully empowered, by its proper officers, to enter into and conclude such contracts as may be essential or desirable; *Provided always*, that none of the uses herein authorized to be made or contracted for by said city shall be inconsistent or interfere with the uses of said dam or its appurtenances for the public purposes in section three (3) hereof enumerated; *And provided further*, that nothing contained in this act shall be construed to deprive said city of its power to sell said dam and its appurtenances if at any time the same shall be no longer required for the public purposes before mentioned.

SEC. 5. The city council of said city is hereby authorized and fully empowered to pledge and appropriate, by such action as may be desirable or necessary, the revenues from said property derived, or which may at any time hereafter be derived, as far as may be necessary, for the payment of the interest on the bonds herein authorized until such bonds have been fully paid.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 213.

[S. F. No. 334.]

AN ACT TO AUTHORIZE THE VILLAGE OF LUVERNE, ROCK COUNTY, MINNESOTA, TO ISSUE ITS BONDS FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF WATER WORKS AND FOR PURCHASING GROUNDS THEREFOR.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That for the purpose of defraying the cost and expense of constructing water works for the village of Luverne, in the county of Rock, in the state of Minnesota, and for the purpose of defraying the cost and expense of acquiring such property as may be necessary for such construction, both real and personal, the said village of Luverne is hereby authorized and empowered to issue its bonds in any sum not to exceed thirty thousand (\$30,000) dollars. Said bonds shall be issued in such denominations as the village council shall determine, with interest coupons attached, and shall bear interest at a rate not to exceed seven (7) per cent per annum, which interest shall be payable annually, at such place or places as shall be designated by said council in said bonds, and the principal shall be payable not more than twenty (20) years from the date thereof.

Said bonds and interest coupons shall be signed by the president and attested by the recorder of said village, and said bonds shall be sealed with the corporate seal of said village.

A record of said bonds and interest coupons shall be kept by the village recorder. When said bonds and coupons shall have been issued the village council of said village shall have power to sell and negotiate the same, or any portion thereof; *Provided*, that none of said bonds shall be sold or negotiated at less than their par value.

The proceeds arising from the sale of said bonds shall be deposited with the village treasurer and shall be disbursed as other village funds are disbursed, and for no purpose other than those specified in this act; but the village treasurer shall not be entitled to or receive any compensation whatever for the disbursement thereof or any part thereof. The said council may require the said treasurer to furnish additional bonds before receiving said funds or any part thereof.

SEC. 2. Said village council is hereby authorized to cause to be levied, annually, a tax, in addition to all other taxes authorized by them to be levied upon the taxable property of said village, sufficient to pay the interest on said bonds, which tax, when collected, shall be expended for no other purpose than that for which it was levied.

SEC. 3. No such bonds shall be issued until the legal voters of said village shall, in the manner hereinafter provided, determine that the same shall be issued.

Whenever said village council shall determine to provide for the construction of water works in said village, and to issue any such bonds, it shall adopt and enter upon its records a resolution setting forth the purpose for which such bonds are to be issued, the amount of such bonds to be issued, the rate of interest thereon, within

the limitation of this act, how payable, the time when the principal on such bonds will become due, and all other conditions of the issue of such bonds; and shall also determine the time when the question of the issuing such bonds will be submitted to the legal voters of said village for their determination; and shall, if such question is not so submitted at an annual election of said village, order a special election to be held therein, upon a designated day, for the purpose of submitting such question to such voters. And thereupon the village recorder of said village shall cause a copy of such resolution, together with a notice of the time of holding the election at which the question of the issuing such bonds will be submitted to the legal voters of said village for their approval or rejection, to be published in two successive issues of a newspaper regularly published in said village, the last of which publications shall be at least ten (10) days prior to the day of such election.

The voters at any such election casting their ballots in favor of the issuing of any such bonds shall use ballots having distinctly printed or written, or partly printed and partly written, the words, "Bonds for water works—Yes;" and those casting their ballots against the issuing of any such bonds shall use ballots having distinctly printed or written, or partly written and partly printed, thereon the words, "Bonds for water works—No." If a majority of the votes cast at any such election shall be in favor of the issuing of any such bonds, then the said village council may issue such bonds in the amount and upon the terms and conditions in such resolution specified. If a majority of such votes shall be against the issuing of such bonds, then said village council shall not issue any such bonds; *Provided*, that if a majority at said election shall be against the issuing of such bonds, the village council may again, at any time after the expiration of six (6) months from the date of said election, submit the question of issuing bonds for the purpose mentioned in this act to the voters of said village in accordance with the same resolution, or in accordance with any other resolution that it may subsequently adopt containing the requirements hereinbefore provided for in this act, upon publication of such resolution and notice of election as is hereinbefore prescribed; *Provided further*, that all said elections shall be conducted in all things in the same manner as the annual election for the election of village officers, and all said votes shall be cast, counted, returned and canvassed in the same manner as at such annual village election for the election of village officers.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 214.

[H. F. No. 630.]

AN ACT TO CONSTITUTE THE VILLAGE OF MORTON, IN THE COUNTY OF RENVILLE, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP IN WHICH THE VILLAGE IS LOCATED.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Morton, in the county of Renville, is hereby established and constituted an election district separate and apart from the township in which it is located, for all purposes of general and special elections under the general election laws of the state; and the trustees of said village of Morton shall be and act as judges at all elections held in said village and district, and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as prescribed by the general election laws of the state, and vacancies in the board of election shall be filled as required by said laws. The recorder of said village shall give notice of all elections in the same manner as required by law of town clerks; and the village council of said village shall perform all the duties pertaining to registry lists, and the appointment of the place where elections in the district are to be held, prescribed by the general election laws of the state relating to elections generally; *Provided*, that the village elections of the said village held for the election of village officers and for village purposes, under and pursuant to the laws by which the said village is incorporated and governed, shall be called, held and managed in all ways as prescribed by said laws of incorporation.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 215.

[H. F. No. 323.]

AN ACT TO CONSTITUTE THE VILLAGE OF WINDOM, IN THE COUNTY OF COTTONWOOD, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP OF GREAT BEND, IN WHICH SAID VILLAGE IS LOCATED, AND TO PROVIDE FOR THE ELECTION OF AN ASSESSOR IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Windom, in the county of Cottonwood, is hereby established and constituted an election district separate and

apart from the township of Great Bend, in which said village is located, for all purposes of general and special elections under the general laws of the state; and the trustees of said village of Windom shall be and act as judges at all elections held in said village and district, and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as are prescribed by the general election laws of the state. The recorder of said village shall give notice of all elections in the same manner as is required by law of town clerks; and the common council of said village shall perform all the duties pertaining to register lists and the appointment of the place where elections in said district are to be held prescribed by the general election laws of the state; *Provided, however,* that the village elections for the election of village officers and for village purposes in said village shall be held in all ways as is prescribed by the laws under which said village is incorporated.

SEC. 2. Said village shall elect an assessor at its election for village officers, who shall qualify and possess all the powers of assessor and make assessments within said village as provided by law.

SEC. 3. The township of Great Bend is hereby authorized to hold its elections within said village of Windom.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.

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## CHAPTER 216.

[S. F. No. 414.]

AN ACT TO SEPARATE THE VILLAGE OF HOUSTON, IN HOUSTON COUNTY AND STATE OF MINNESOTA, FROM THE TOWN OF HOUSTON, IN SAID COUNTY AND STATE, FOR ALL MUNICIPAL AND ELECTION PURPOSES WHATEVER.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That from and after the passage of this act, the village of Houston, in Houston county and state of Minnesota, shall be, and hereby is, made a separate election district and a separate municipality from the town of Houston, in said county, for all purposes whatsoever.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1891.

## CHAPTER 217.

[S. F. No. 407.]

### AN ACT TO CHANGE THE TIME FOR HOLDING VILLAGE ELECTIONS IN THE VILLAGE OF KASOTA, LE SUEUR COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The time for holding elections in the village of Kasota, in Le Sueur county, for the election of village officers and for the transaction of other village business, is hereby changed from the second (2d) Tuesday in March to the first (1st) Tuesday in April.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1891.

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## CHAPTER 218.

[S. F. No. 434.]

### AN ACT TO CHANGE THE TIME FOR HOLDING THE ELECTION OF VILLAGE OFFICERS IN AND FOR THE VILLAGE OF CLOQUET, IN CARLTON COUNTY, STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the time for holding the election of village officers in the village of Cloquet, in the county of Carlton and state of Minnesota, is hereby changed from the second (2d) Tuesday in March in each year to the second (2d) Tuesday in April in each year.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 219.

[S. F. No. 546.]

### AN ACT TO CHANGE THE TIME FOR THE HOLDING OF THE ANNUAL VILLAGE ELECTION OF THE VILLAGE OF AMBOY, IN THE COUNTY OF BLUE EARTH.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the annual election of village officers of the village of Amboy, in the county of Blue Earth, shall hereafter be held on the second (2d) Tuesday of April of each year instead of the second (2d) Tuesday of March.

## CHAPTER 222.

[S. F. No. 327.]

AN ACT TO CONSTITUTE THE VILLAGE OF MOUNTAIN LAKE, IN THE COUNTY OF COTTONWOOD, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP OF MOUNTAIN LAKE, IN WHICH SAID VILLAGE IS LOCATED, AND TO PROVIDE FOR THE ELECTION OF AN ASSESSOR IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Mountain Lake, in the county of Cottonwood, is hereby established and constituted an election district separate and apart from the township of Mountain Lake, in which said village is located, for all purposes of general and special elections under the general laws of the state; and the trustees of said village of Mountain Lake shall be and act as judges at all elections held in said village and district and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as are prescribed by the general election laws of the state. The recorder of said village shall give notice of all elections in same manner as is required by law of town clerks, and the common council of said village shall perform all the duties pertaining to register list and the appointment of the place where elections in said district are to be held prescribed by the general election laws of the state; *Provided, however,* that the village election for the election of village officers and for village purposes in said village shall be held in all ways as is prescribed by the laws under which said village is incorporated.

SEC. 2. Said village shall elect an assessor at its election for village officers, who shall qualify and possess all the powers of assessor and make assessments within said village as provided by law.

SEC. 3. The township of Mountain Lake is hereby authorized to hold its election within said village of Mountain Lake.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891

## CHAPTER 223.

[H. F. No. 895.]

AN ACT TO MAKE THE VILLAGE OF ROTHSAY, IN WILKIN COUNTY,  
A SEPARATE ELECTION AND TO SEPARATE SAID VILLAGE FROM  
THE TOWN OF TANBERG.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village of Rothsay, in Wilkin county, is hereby made a separate election district for all purposes, and is in all things declared to be separate from the town of Tanberg.

SEC. 2. If any of the present officers of said town of Tanberg reside in said village of Rothsay such offices are hereby declared vacant and said vacancies may be filled in the manner provided by law for filling vacancies in town offices, and the village council of said village of Rothsay may at once appoint an assessor.

SEC. 3. The laws relating to the assessment and collection of taxes shall apply to property, real and personal, situated in said village, and the village board shall act as a board of equalization.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 224.

[H. F. No. 391.]

AN ACT TO CONSTITUTE THE VILLAGE OF BROWERVILLE, IN TODD COUNTY, AN ELECTION DISTRICT AND TO PROVIDE FOR THE ELECTION OF AN ASSESSOR THEREIN.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Browerville, in the county of Todd, is hereby established and constituted an election district separate and apart from the township of Hartford, in which said village is located, for all purposes of general and special elections under the general laws of the state, and the trustees of said village of Browerville shall be and act as judges of all elections held in said village and district and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the [same] penalties as are prescribed by the general election laws of the state. The recorder of said village shall give notice of all elections in the same manner as is required by law of town clerks, and the common council of said village shall perform all the duties pertaining to registry lists and the appointment of



the place where elections in said district are to be held, prescribed by the general election laws of the state, and the judges and clerks of said elections shall receive the same fees for their services as are allowed township supervisors for acting as judges at general elections; *Provided, however*, that village elections for the election of village officers and for all village purposes in said village, shall be held in all ways as is prescribed by the laws under which said village is incorporated.

SEC. 2. Said village shall elect an assessor at its election for village officers, who shall qualify in the same manner and possess all the powers of assessors and make assessments within said village as provided by the general laws governing township assessors.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 225.

[H. F. No. 780.]

### AN ACT MAKING THE VILLAGE OF ST. JAMES A SEPARATE ELECTION DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village of St. James, in the county of Watonwan, in said state, is hereby declared to be a separate election district for all purposes under the election laws of this state.

SEC. 2. That the township of St. James may hold its annual town meeting and any general or special election in the village of St. James.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 226.

[H. F. No. 756.]

### AN ACT TO CONSTITUTE THE VILLAGE OF LAMBERTON, IN THE COUNTY OF REDWOOD, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP IN WHICH THE VILLAGE IS LOCATED.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Lamberton, in the county of Redwood, is hereby established and constituted an election district separate and

apart from the township in which it is located, for all purposes of general and special elections under the general election laws of the state; and the trustees of said village of Lamberton shall be and act as judges at all elections held in said village and district, and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as prescribed by the general election laws of the state, and vacancies in the board of election shall be filled as required by said laws. The recorder of said village shall give notice of all elections in the same manner as required by law of town clerks; and the village council of said village shall perform all the duties pertaining to registry lists, and the appointment of the place where elections in the district are to be held, prescribed by the general election laws of the state relating to elections generally; *Provided*, that the village elections of the said village, held for the election of village officers and for village purposes under and pursuant to the laws by which the said village is incorporated and governed, shall be called, held and managed in all ways as prescribed by said laws of incorporation.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 227.

[H. F. No. 865.]

AN ACT TO CONSTITUTE THE VILLAGES OF CALEDONIA AND SPRING GROVE, IN THE COUNTY OF HOUSTON, STATE OF MINNESOTA, SEPARATE AND INDEPENDENT ELECTION DISTRICTS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the villages of Caledonia and Spring Grove, in the county of Houston, state of Minnesota, are hereby made and constituted separate and independent election districts for all purposes under the laws of this state. The board of trustees of each of said villages shall have the same powers and duties in regard to all elections as is now conferred on township supervisors, and the recorders of said villages have the same powers and duties as is now conferred upon township clerks, and shall receive the same compensation, under the laws of this state.

SEC. 2. The board of trustees of said villages shall have the power to appoint some suitable person as an assessor for the year eighteen hundred and ninety-one (1891), and thereafter there shall be elected at the annual village election one (1) assessor, and the duties and compensation of the assessor so appointed or elected shall be the same as those of township assessors under the laws of this state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

the place where elections in said district are to be held, prescribed by the general election laws of the state, and the judges and clerks of said elections shall receive the same fees for their services as are allowed township supervisors for acting as judges at general elections; *Provided, however,* that village elections for the election of village officers and for all village purposes in said village, shall be held in all ways as is prescribed by the laws under which said village is incorporated.

SEC. 2. Said village shall elect an assessor at its election for village officers, who shall qualify in the same manner and possess all the powers of assessors and make assessments within said village as provided by the general laws governing township assessors.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 225.

[H. F. No. 780.]

### AN ACT MAKING THE VILLAGE OF ST. JAMES A SEPARATE ELECTION DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village of St. James, in the county of Watonwan, in said state, is hereby declared to be a separate election district for all purposes under the election laws of this state.

SEC. 2. That the township of St. James may hold its annual town meeting and any general or special election in the village of St. James.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 226.

[H. F. No. 756.]

### AN ACT TO CONSTITUTE THE VILLAGE OF LAMBERTON, IN THE COUNTY OF REDWOOD, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP IN WHICH THE VILLAGE IS LOCATED.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village of Lamberton, in the county of Redwood, is hereby established and constituted an election district separate and

apart from the township in which it is located, for all purposes of general and special elections under the general election laws of the state; and the trustees of said village of Lamberton shall be and act as judges at all elections held in said village and district, and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as prescribed by the general election laws of the state, and vacancies in the board of election shall be filled as required by said laws. The recorder of said village shall give notice of all elections in the same manner as required by law of town clerks; and the village council of said village shall perform all the duties pertaining to registry lists, and the appointment of the place where elections in the district are to be held, prescribed by the general election laws of the state relating to elections generally; *Provided*, that the village elections of the said village, held for the election of village officers and for village purposes under and pursuant to the laws by which the said village is incorporated and governed, shall be called, held and managed in all ways as prescribed by said laws of incorporation.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 227.

[H. F. No. 865.]

AN ACT TO CONSTITUTE THE VILLAGES OF CALEDONIA AND SPRING GROVE, IN THE COUNTY OF HOUSTON, STATE OF MINNESOTA, SEPARATE AND INDEPENDENT ELECTION DISTRICTS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the villages of Caledonia and Spring Grove, in the county of Houston, state of Minnesota, are hereby made and constituted separate and independent election districts for all purposes under the laws of this state. The board of trustees of each of said villages shall have the same powers and duties in regard to all elections as is now conferred on township supervisors, and the recorders of said villages have the same powers and duties as is now conferred upon township clerks, and shall receive the same compensation, under the laws of this state.

SEC. 2. The board of trustees of said villages shall have the power to appoint some suitable person as an assessor for the year eighteen hundred and ninety-one (1891), and thereafter there shall be elected at the annual village election one (1) assessor, and the duties and compensation of the assessor so appointed or elected shall be the same as those of township assessors under the laws of this state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 228.

[H. F. No. 579.]

### AN ACT RELATING TO THE TIME OF HOLDING THE ANNUAL MEETING OF THE VILLAGE OF EXCELSIOR.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The annual meeting in and for the village of Excelsior, Hennepin county, Minnesota, for the election of officers etc., as provided for in section sixteen (16), Chapter one hundred and forty-five (145) of the General Laws of Minnesota for the year one thousand eight hundred and eighty-five (1885), shall be held on the first (1st) Tuesday after the first (1st) Monday in February.

SEC. 2. This act shall take effect and be in force from and after the first (1st) day of April, A. D. one thousand eight hundred and ninety-one (1891).

Approved March 20, 1891.

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## CHAPTER 229.

[H. F. No. 896.]

### AN ACT TO CONSTITUTE THE VILLAGE OF MORGAN, IN THE COUNTY OF REDWOOD, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP IN WHICH THE VILLAGE IS LOCATED.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Morgan, in the county of Redwood, is hereby established and constituted an election district separate and apart from the township in which it is located, for all purposes of general and special elections under the general election laws of the state; and the trustees of said village of Morgan shall be and act as judges at all elections held in said village and district, and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as prescribed by the general election laws of the state, and vacancies in the board of election shall be filled as required by said laws. The recorder of said village shall give notice of all elections in the same manner as required by law of town clerks; and the village council of said village shall perform all the duties pertaining to registry lists and the appointment of the place where elections in the district are to be held, prescribed by the general election laws of the state relating to elections generally; *Provided*, that the village elections of the said village held for election of village officers and for village purposes under and pursuant to the laws

by which the said village is incorporated and governed shall be called, held and managed in all ways as prescribed by said laws of incorporation.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 230.

[H. F. No. 826.]

AN ACT TO SEPARATE THE VILLAGE OF ELIZABETH, IN THE COUNTY OF OTTER TAIL, MINNESOTA, FROM THE TOWNSHIP IN WHICH IT IS SITUATED AND TO PROVIDE FOR SEPARATE ELECTION DISTRICT IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Elizabeth, in the county of Otter Tail, state of Minnesota, is hereby declared to be a separate election district for all purposes, and to be separate and distinct in all respects and for all purposes from the township in which it is situated, and said village is hereby authorized to fix, by ordinance, the place of holding general elections therein and shall, at least thirty (30) days prior to any general election, appoint three (3) qualified voters of the village who shall be judges of elections therein, and the judges so selected shall appoint two (2) qualified electors of such district to act as clerks of election therein.

SEC. 2. Said village shall elect an assessor at the next election for village officers, who shall qualify and possess the powers of village assessor and make assessments as provided by section eighteen (18), Chapter one hundred and forty-five (145) of the General Laws of eighteen hundred and eighty-five (1885).

SEC. 3. In case of any existing indebtedness against the town in which said village is situated, evidenced by any form of obligation, it shall be the duty of the county auditor of said county to apportion for the purpose of taxation the respective liability of such town and village, which shall be apportioned in proportion to the existing valuation of real estate in such town and village respectively, as appears by the last assessment, and thereafter as such obligations mature, it shall be the duty of the auditor to extend a tax for the purpose of meeting such obligations against the property of such town and village respectively, upon a basis of such apportionment; *Provided*, that the division of property of the town in which said village is situated shall be divided on the basis of the assessed valuation of the taxable property of the whole township at the time of such separation, and the village and town respectively shall be entitled to such share of the property and moneys of such town as the assessed valuation of real

estate within such village and town respectively bears to the aggregate valuation of the real estate of the whole township at the time of such separation, the last assessment to be taken as the basis of such division.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 231.

[H. F. No. 1010.]

### AN ACT TO MAKE CERTAIN VILLAGES IN WRIGHT COUNTY SEPARATE ELECTION DISTRICTS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the villages of Annandale, Buffalo, Cokato, Delano, Howard Lake, Montrose, Monticello, Maple Lake and Waverly, all in the county of Wright and state of Minnesota, be and the same are hereby made separate election districts and separate assessment districts and separate from the towns in which they are respectively situated for all purposes; and each of the said incorporated villages shall have and exercise within its limits, in addition to its other powers, the same powers conferred by law upon towns within this state.

SEC. 2. That in case any of said villages, and the town or towns in which any such village or villages are located, shall have heretofore, jointly or together, contracted any bonded indebtedness, then, and in every such case, it shall be the duty of the county auditor of said Wright county to apportion the amount of taxes necessary to be levied in each year to pay the interest and principal of such indebtedness as the same may become due and payable, upon the taxable property of such town and village *pro rata*, according to the valuation of such town and village, until such joint indebtedness with the interest thereon is fully paid.

SEC. 3. Nothing in this act shall be construed to prevent the holding of town meetings and town elections within the corporate limits of any village in that town.

SEC. 4. That this act shall take effect and be in force from and after the first (1st) day of November, A. D. eighteen hundred and ninety one (1891).

Approved April 16, 1891.

## CHAPTER 232.

[S. F. No. 1246.]

AN ACT TO MAKE THE VILLAGE OF BELLINGHAM, IN THE COUNTY OF LAC QUI PARLE, A SEPARATE ELECTION DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Bellingham, county of Lac qui Parle, is hereby made and declared to be a separate election district for all elections.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 233.

[H. F. No. 631.]

AN ACT TO CONSTITUTE THE VILLAGE OF WALNUT GROVE, IN THE COUNTY OF REDWOOD, AN ELECTION DISTRICT SEPARATE FROM THE TOWNSHIP IN WHICH THE VILLAGE IS LOCATED.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village of Walnut Grove, in the county of Redwood, is hereby established and constituted an election district separate and apart from the township in which it is located, for all purposes of general and special elections under the general election laws of the state; and the trustees of said village of Walnut Grove shall be and act as judges at all elections held in said village and district, and shall have power to appoint clerks of such elections and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties as prescribed by the general election laws of the state, and vacancies in the board of election shall be filled as required by said laws. The recorder of said village shall give notice of all elections in the same manner as required by law of town clerks; and the village council of said village shall perform all the duties pertaining to registry lists, and the appointment of the place where elections in the district are to be held, prescribed by the general election laws of the state relating to elections generally; *Provided*, that the village elections of the said village held for the election of village officers and for village purposes under and pursuant to the laws by which the said village is incorporated and governed, shall be called, held and managed in all ways as prescribed by said laws of incorporation.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.



## CHAPTER 234.

[S. F. No. 809.]

AN ACT TO VALIDATE THE ATTEMPTED INCORPORATION OF THE VILLAGE OF BEAVER FALLS, RENVILLE COUNTY, MINNESOTA, UNDER AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION OF VILLAGES AND TO DEFINE THEIR DUTIES AND POWERS AND TO REPEAL CERTAIN LAWS IN RELATION THERETO," APPROVED MARCH FIFTH (5TH), EIGHTEEN HUNDRED AND EIGHTY-FIVE (1885).

WHEREAS, The village of Beaver Falls, Renville county, Minnesota, attempted to incorporate under and by virtue of Chapter one hundred and forty-five (145) of the General Laws of one thousand eight hundred and eighty-five (1885), being an act entitled "An act to provide for the incorporation of villages and to define their duties and powers and to repeal certain laws in relation thereto," approved March tenth (10th), one thousand eight hundred and eighty-five (1885); and

WHEREAS, It appears that such attempted incorporation was not in all respects conducted in accordance with the letter of said act; but notwithstanding said village has gone on and conducted its affairs as though such attempted incorporation had been fully in accordance with said act; therefore,

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the attempted incorporation of said village of Beaver Falls, Renville county, Minnesota, under Chapter one hundred forty-five (145) of the General Laws of one thousand eight hundred eighty-five (1885), being an act entitled "An act to provide for the incorporation of villages and to define their duties and powers and to repeal certain laws in relation thereto," be and the same is hereby declared valid, and that all acts done or performed by said village under the said attempted incorporation shall and do have the same force and effect as though said incorporation had been in all respects fully in accordance with said act of one thousand eight hundred and eighty-five (1885), and all subsequent acts passed, connected therewith or in any manner relating thereto, and any general laws relating to the incorporation, duties and powers of villages, and shall have all the powers and duties of villages incorporated under any of the general laws of the state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 235.

[S. F. No. 397.]

AN ACT TO AUTHORIZE AND DIRECT THE TREASURER OF THE VILLAGE OF JANESVILLE, WASECA COUNTY, TO PAY ONE-HALF ( $\frac{1}{2}$ ) OF ALL MONEYS DERIVED FROM LICENSES GRANTED FOR THE SALE OF INTOXICATING LIQUORS IN SAID VILLAGE TO THE TREASURER OF THE SCHOOL DISTRICT OF THE VILLAGE OF JANESVILLE, WASECA COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That one-half ( $\frac{1}{2}$ ) of all moneys derived from license for the sale of intoxicating liquors in the village of Janesville, Waseca county, shall be paid by the treasurer of said village to the treasurer of the school district in the village of Janesville, Waseca county, for the sole use and benefit of the public school of the village of Janesville, from which said money is derived, to be used for the support of the schools in said district.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act shall take effect ~~and be in force from and after the~~ first (1st) day of January, eighteen hundred and ninety-two (1892).  
Approved April 21, 1891.

## CHAPTER 236.

[H. F. No. 890.]

AN ACT TO DIVIDE THE NORTHFIELD SCHOOL DISTRICT, IN RICE COUNTY, INTO WARDS AND TO PROVIDE FOR THE ELECTION OF A BOARD OF EDUCATION IN SAID DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the Northfield school district, in the county of Rice, be and the same hereby is divided into three (3) wards. That the first (1st) ward shall comprise all that portion of the said district which lies on the east side of the Cannon river, and north of a line commencing at Cannon river in the middle of Fifth (5th) street, according to the original plat of the town of Northfield recorded in the office of the register of deeds of the said county, and running thence east to the eastern boundary of said school district.

That the second (2d) ward shall comprise all that portion of said district lying east of Cannon river and south of the first (1st) ward.

And that the third (3d) ward shall comprise all that portion of said district which lies west of Cannon river.

SEC. 2. That the several wards of said school district shall constitute separate elective districts, and elections shall be held annually therein as the same place in each ward as is or may be provided for the election of aldermen of the city of Northfield, and on the same day as the annual city election of the said city of Northfield, and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon.

SEC. 3. That the school district elections shall be conducted by the school directors of the wards respectively, who shall be the judges of election and shall take the oath or affirmation prescribed by the general laws of the state to be taken by judges of election, and shall have power to appoint clerks of election and to administer the usual elector's oath; *Provided*, that as to the first (1st) election the aldermen respectively of the city wards shall be the judges; *And provided*, that no candidate for office at any election shall act as judge or clerk of such election.

SEC. 4. When a school district election shall be closed and the number of votes for each person voted for counted and ascertained, the judges of election shall make return thereof with all convenient dispatch to the clerk of said school district, who shall forthwith record the result.

SEC. 5. At the time of the annual city election of the city of Northfield in the year eighteen hundred and ninety-two (1892), there shall be elected in each ward of said school district, by the legal voters of such ward, two (2) school directors, one (1) to serve for one (1) year and one (1) to serve for two (2) years, to be indicated on the ballots, and thereafter at each annual election of said school district one (1) director shall be elected in each ward by the legal voters thereof, whose term of office shall be two (2) years. And there shall be a registration of the voters, in conformity, as near as may be practicable, to the general laws for the registration of voters.

SEC. 6. At the said election in eighteen hundred and ninety-two (1892) there shall be elected by the legal voters of said school district, one (1) director at large, who shall hold his office for two (2) years; and thereafter at every alternate election in said school district there shall be elected one (1) director at large, whose term of office shall be two (2) years. The directors shall be notified of their election by the district clerk.

SEC. 7. The said directors shall be styled "The Board of Education of the Northfield School District," and shall possess all the powers and perform all the duties now exercised and performed by law by the present board of education of said district.

SEC. 8. The board of education shall elect of their number a clerk and a treasurer of the school district, whose terms of office shall be two (2) years. Said clerk and treasurer shall have the same powers and perform the same duties as now appertain to those offices.

SEC. 9. All the ward directors shall be residents and qualified voters in the wards in which they are elected respectively.

SEC. 10. The said elector at large shall be the president of the said board of education, and five (5) members of the board shall constitute a quorum for the transaction of business.

SEC. 11. In case of a vacancy in the board of education, the remaining members shall have the power to fill the same.

SEC. 12. There shall be held, annually, on the evening of the last Saturday in October, a public meeting of the electors of said school district for the transaction of such business (except the election of a board of education) as is now provided for in the act of the legislature creating said district; and special district meetings may be called by the board of education, and two (2) weeks' notice of all district meetings shall be given by publication in one (1) or more newspapers of the city of Northfield and posting copies in two (2) conspicuous places in each ward, in which notice the objects of the meeting shall be specified.

SEC. 13. From and after the said election in the year eighteen hundred and ninety-two (1892), the board of education of the said district as at present constituted shall be discontinued.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 237.

[H. F. No. 501.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER TWO HUNDRED AND THIRTY-FOUR (234) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), RELATING TO THE PUBLIC SCHOOLS OF THE CITY OF LAKE CITY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter two hundred and thirty-four (234) of the Special Laws of one thousand eight hundred and eighty-three (1883) be and the same is hereby amended by striking out the words "west half" (w  $\frac{1}{2}$ ) in the eleventh (11th) line of said section one (1), and inserting therefor the words "all of."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 238.

[H. F. No. 1017.]

AN ACT RELATING TO THE TERMS OF OFFICE AND ELECTION OF DIRECTORS OF THE STILLWATER CITY SCHOOL DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The terms of office of the present board of directors of the Stillwater city school district are hereby extended for the period of one (1) year, so that the term of office of those directors whose office

expires in May, one thousand eight hundred and ninety-one (1891), shall expire in May, one thousand eight hundred and ninety-two (1892); and the term of office of those directors whose office expires in May, one thousand eight hundred and ninety-three (1893), shall expire in May, one thousand eight hundred and ninety-four (1894); and no election for any members of said board shall be held in May, one thousand eight hundred and ninety-one (1891), as provided by existing law.

SEC. 2. At the time and place of holding the general election for city officers of the city of Stillwater, on the first (1st) Tuesday after the first (1st) Monday in November, one thousand eight hundred and ninety-one (1891), and biennially thereafter, there shall be held in the city of Stillwater an election for the members of the board of directors whose terms of office expire in the May next succeeding such election, and such election shall be conducted, and the result declared, in all respects as now required by law; and the biennial meetings of said board for the purpose of organization shall be held on the first (1st) Thursday after the first (1st) Tuesday in the May next succeeding the election of new members as aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

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## CHAPTER 239.

[H. F. No. 882.]

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN (118) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), RELATING TO THE BOARD OF EDUCATION OF THE BRAINERD SCHOOL DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. Section one (1) of Chapter one hundred and eighteen (118) of the Special Laws of eighteen hundred and eighty-nine (1889) is hereby amended so as to read as follows:

There shall be a board of education of the Brainerd school district, in Crow Wing county, Minnesota, which board of education shall consist of two (2) members from each ward of the city of Brainerd, in said county, whose qualifications shall be the same as those of the respective aldermen of each ward, and each member of the present board of education of said school district shall hold his office and his successor be elected as hereinafter provided.

At the city election to be held in the city of Brainerd on the first (1st) Tuesday in May, eighteen hundred and ninety-one (1891), there shall be elected, in their respective wards, successors to the members of said board of education whose terms then expire, and the term of office of each member of said board of education so elected shall continue until the first (1st) Tuesday after the first (1st) Monday in

November, eighteen hundred and ninety-four (1894), and until his successor is elected and qualified; and on said first (1st) Tuesday after the first (1st) Monday in November, eighteen hundred and ninety-four (1894), there shall be elected, in their respective wards, successors to said members of said board of education whose terms then expire, and the term of office of each member so elected shall then and thereafter be for four (4) years and until his successor is elected and qualified.

Each member of said present board of education whose term of office would otherwise expire on the first (1st) Tuesday in May, eighteen hundred and ninety-two (1892), shall hold and continue in said office until the first (1st) Tuesday after the first (1st) Monday in November, eighteen hundred and ninety-two (1892), and until his successor is elected and qualified, at which time last aforesaid there shall be elected, in their respective wards, successors to said members of said board of education whose terms then expire, and the term of office of each member of said board of education so elected shall then and thereafter be for four (4) years and until his successor is elected and qualified.

Each member of said present board of education whose term of office would otherwise expire on the first (1st) Tuesday in May, eighteen hundred and ninety-three (1893), shall hold and continue in said office until the first (1st) Tuesday after the first (1st) Monday in November, eighteen hundred and ninety-four (1894), and until his successor is elected and qualified; at which time last aforesaid there shall be elected, in their respective wards, successors to said members of said board of education whose terms then expire, and the term of office of each member of said board of education so elected shall then and thereafter be for four (4) years and until his successor is elected and qualified.

SEC. 2. Section two (2) of said Chapter one hundred and eighteen (118) is hereby amended by striking out the word and figure "three (3)," where the same appears therein, and by inserting in lieu thereof the word and figure "four (4)."

SEC. 3. The mode of conducting elections for members of said board of education shall be the same as provided by the general laws of this state governing general elections; *Provided*, whenever two (2) or more candidates for members of said board of education shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the board of education, at such time and in such manner as it may direct.

SEC. 4. Whenever any vacancy shall occur in the office of any member of said board of education, said vacancy shall be filled by appointment by said board until the next general election, and the successor of such person so appointed to fill any vacancy aforesaid shall be elected at the next general election for the unexpired term.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 240.

[H. F. No. 1039.]

AN ACT TO AMEND AN ACT APPROVED MARCH ONE (1), EIGHTEEN HUNDRED AND SIXTY-FOUR (1864), ENTITLED "AN ACT IN RELATION TO PUBLIC SCHOOLS IN THE CITY OF RED WING," BEING CHAPTER FOURTEEN (14) OF THE SPECIAL LAWS OF THIS STATE FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-FOUR (1864).

*Be it enacted by the Legislature of the State of Minnesota:*

That an act approved March one (1), one thousand eight hundred and sixty-four (1864), entitled "An act in relation to public schools in the city of Red Wing," be and the same is hereby amended so as to read as follows:

SECTION 1. All of the territory which now is, or hereafter may be, embraced within the corporate limits of the city of Red Wing is hereby constituted one (1) school district, and all public schools organized therein shall be under the direction and regulation of the board of education hereinafter provided for, who shall have the powers and be subject to the liabilities and limitations prescribed in this act.

SEC. 2. The board of education shall consist of seven (7) members, each of whom shall be a resident elector of said district, and shall hold his office for three (3) years from the second (2d) Tuesday in May succeeding his election and until his successor is elected and qualified, except as hereinafter provided; *Provided*, that in case of an election to fill a vacancy the person elected shall be so elected only for the unexpired term.

Vacancies occurring in said board of education shall be filled by the board, such appointee to hold his office until the next city election.

SEC. 3. The members of the board of education shall be elected, by ballot, at the annual election for city officers for the city of Red Wing. There shall be three (3) members at large, to be chosen by the qualified electors of the district, and four (4) ward members, one (1) to be chosen by the electors of each ward; and a plurality of votes shall elect. Ward members shall be residents of the wards from which they are elected. There shall be elected at the annual city election in the year eighteen hundred and ninety-one (1891), one (1) member at large for one (1) year, one (1) member at large for two (2) years, and one (1) member at large for three (3) years. Also one (1) member from the first (1st) ward for one (1) year, one (1) member from the second (2d) ward for two (2) years, one (1) member from the third (3d) ward for three (3) years, and one (1) member from the fourth (4th) ward for three (3) years, and thereafter all members shall be elected for the full term of three (3) years, except as provided in section two (2) of this act.

The names of persons to be voted for as members of the board of education shall be upon a separate ballot, printed in the manner required by law, and indorsed "Board of Education." Said ballots, as voted, shall be deposited in a separate ballot box, canvassed and

returned by the officers of election upon a separate blank, inclosed separately in an envelope sealed and indorsed as returns of the election of members of the board of education, and delivered, with the ballotboxes, to the city clerk of the city of Red Wing, to be canvassed by the city council of the city of Red Wing at the same time and in the same manner as the votes for city officers; and the city clerk shall forthwith give notice to the members elected of their election. The city clerk and officers of election of the several wards of the city shall perform the duties in regard to the election of members of the board of education which they are or may be required to perform in regard to the election of the city officers.

SEC. 4. Every member elected or appointed under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the clerk of the board.

SEC. 5. The members of the board of education shall meet, on the second (2d) Tuesday in May in each and every year, for the purpose of organization. They shall elect from their number a president and vice president, and shall also elect a clerk and a treasurer, who may or may not be members of said board, who shall hold their respective offices for the term of one (1) year and until their successors are elected and qualified. The members of the board shall perform their duties without compensation, except that the clerk and treasurer may receive such compensation as shall be fixed by the board.

SEC. 6. The board of education, elected, qualified and organized as hereinbefore provided, shall be clothed with all the powers and duties of a district board under the present or future general school laws of the state of Minnesota, and such other powers as may be conferred upon them by the provisions of this act. They shall transact the business of the district in the name and style of the "Board of Education" for the Red Wing school district, and all agreements, contracts, orders upon the treasurer for the payment of money, and other official papers and records, shall be signed by the president and attested by the clerk. A majority of the whole number of members shall constitute a quorum for the transaction of business.

SEC. 7. The acceptance of office of the president, clerk and treasurer shall be made in writing and filed in the clerk's office, or orally in a meeting of the board and entered upon the record of said meeting. The president shall preside at all meetings of the board when present and perform such other duties as the board may prescribe; in case of the absence of the president, the vice president shall preside, and in case both be absent, a president *pro tempore* may be elected. The clerk shall faithfully discharge all the duties imposed by the general laws of the state upon district clerks, so far as the same are applicable to the Red Wing district; he shall attend all meetings of the board of education and keep a record of all their doings, and shall perform such other duties as the board may prescribe. The treasurer shall file his official bond and faithfully perform all the duties as prescribed for and imposed upon the treasurers of school districts by the general laws for common schools in the state of Minnesota.

SEC. 8. The board of education shall have power, and it shall be their duty, to establish and organize such and so many public schools in said district, having due regard to the convenience of the scholars and inhabitants thereof, as they shall deem requisite and expedient, and to alter and discontinue the same; to purchase or hire sufficient



school houses, rooms, lots and sites for school houses, and to fence and improve the same, and to build, enlarge, alter, improve and repair school houses upon lots and sites owned, leased or set apart by said district or said board for school purposes, and to sell and convey any school house or lot; *Provided*, that the board shall not purchase any lot or building, nor build any house the purchase or construction of which will increase the bonded indebtedness of the district, nor for any other cause increase the bonded indebtedness of said district, except as provided in this act, until the proposition for such purchase or building or issue of bonds has first been submitted to the electors of the district at some annual election and approved by a majority of the electors voting upon the same. If such proposition be so approved, then said board shall have full power to issue the negotiable bonds of the district for the purposes and in the amounts stated in the terms of submission of said proposition to the people.

SEC. 9. The board of education shall have the custody, safe-keeping and control of the school houses, lots, sites and appurtenances, books, furniture and all other school property belonging to the district; shall contract with and employ a superintendent and all necessary teachers in the public schools of the district and at their pleasure remove the same; *Provided*, that no teacher shall be employed unless the board shall have received satisfactory proof of his qualifications or of his successful experience as a teacher; may summon for re-examination any teacher, and after such examination, may, for satisfactory reasons, revoke his certificate. They shall also have power, and it shall be their duty, to make such reports as may be called for by the state superintendent of public instruction; to pay the wages of teachers; to defray the necessary contingent expenses of the board, including the salaries of the clerk and superintendent; to have, in all respects, the control and management of the public schools of the district, with the power to adopt, alter and repeal rules and regulations for their organization, grading and government; for the instruction and discipline of pupils, their admission, suspension and expulsion, and their transfer from one school or grade to another; to decide upon the text-books to be used, and generally to promote their good order, prosperity and public utility; to make all necessary by-laws for the government and manner of transacting the business of the board, its officers and committees, and for conducting and regulating the schools, and to alter and repeal the same as they may deem expedient; to prepare, and cause to be published at the end of each school year, a report showing the number and grade of schools; the length of time the schools have been taught; the number of male and female pupils who have attended school; the average attendance of pupils each term; the amount of public money received; the amount of tax levied and the amount realized; the amount of moneys realized from all sources and whence derived; the manner in which moneys have been expended, and such other information as said board may think proper to publish.

SEC. 10. All school houses, the property of the district, and all buildings and parts of buildings in said district used or occupied for public school purposes, shall be and remain under the exclusive care, management and control of said board of education, and shall not, nor any part thereof, without the consent of said board, be used, occupied or appropriated for any purpose whatever other than for the use

of the public schools of said district. No law of this state shall be so construed as in any manner to restrict the powers or rights of said board in regard to any such school houses and buildings, as such rights and powers are herein conferred and defined, unless such restriction be in terms expressed in such law.

SEC. 11. The county treasurer of Goodhue county shall pay over to the treasurer of said school district, when collected, all taxes levied or assessed by said district or board of education, together with all interest, costs and penalties which shall be collected on account of the same, and in the several statements of the funds to be paid over, as is or may be provided for by the general law, said county treasurer shall account for and pay over to said district treasurer such portions of the interest paid by banks or bankers with whom the funds of said county shall be deposited, as have accrued from taxes levied by said district or said board and so deposited with such county funds, or as part thereof. Whenever, previous to any of the settlements provided for by law, there shall be a lack of funds in the treasury of said district, and the affidavit of the treasurer of said district, stating that there is such lack of funds, shall be presented to the county treasurer, and there shall then be funds in the county treasury which shall have been collected on account of any taxes levied or assessed by said district or board, said county treasurer shall, upon presentation of such affidavit and application of the district treasurer, advance and pay over to him such sums as shall have been then collected on account of such taxes, and such advances shall be accounted for and adjusted at the next regular settlement of such funds.

SEC. 12. That for the purpose of refunding the bonded indebtedness of said district, said board of education is authorized, upon the affirmative vote of not less than five (5) members of the board, said votes to be taken by ayes and noes and entered upon the record of the proceedings of said board, at any time when they may deem it necessary or for the interest of the district to do so, to issue the negotiable bonds of said district, in such sum or sums as by said board may be determined; *Provided*, that the amount of the bonded indebtedness shall not thereby be increased.

SEC. 13. All bonds issued under the provisions of this act or of the authority of the district shall be in the principal sum of not less than five hundred (500) dollars, and not more than one thousand (1,000) dollars, and shall be payable at such times, not exceeding twenty (20) years from the date thereof, as may be by said board determined. Such bonds shall be made payable to the bearer and shall bear interest, payable semi-annually, at such rate, not exceeding five (5) per cent per annum, as said board may determine, which interest shall be represented by coupons to such bonds attached. Such bonds shall be sealed with the corporate seal of the district and signed by the president and clerk of said board, and the coupons shall be signed by said president and clerk.

SEC. 14. Said board of education shall have power, and it shall be their duty, on or before the fifteenth (15th) day of September in each year, to levy and certify to the county auditor of Goodhue county, a tax upon the taxable property within said district, in such sum as said board may deem necessary for the general and current expenses of the district for one (1) year.

SEC. 15. For the purpose of providing for the payment of the principal and interest of any outstanding bonds of the district, or of any bonds issued under any of the provisions of this act, the said board of education shall, on or before the fifteenth (15th) day of September in each year, levy and certify to the county auditor of Goodhue county a tax upon the taxable property within said district, in such sum as said board may deem necessary to pay the interest accruing upon such bonds in the then next ensuing year, and in addition thereto, shall, at the same time, unless provision has been made through a sinking fund for the payment thereof, levy and so certify a tax in such sum as said board shall think necessary to pay the principal of such bonds maturing within the then next ensuing year. Said board is hereby authorized to create a sinking fund for the payment of the principal of any or all bonds issued under the provisions of the act, and for that purpose may, at such time and whenever they may think it expedient so to do, levy and certify to said auditor a tax upon such property in such amount as said board may deem necessary; *Provided*, that the amount of the tax levied for any such purpose in any one (1) year shall not exceed a sum so proportioned to the total principal of such unpaid bonds as one (1) year is to the number of years between the time of such first (1st) levy and the maturity of such bonds.

SEC. 16. All moneys received from any and all taxes so levied shall be by said board set apart, used and appropriated for the purpose for which the same was so levied, and shall not be set apart, used nor appropriated for any other purpose whatever; nor shall the said moneys, nor any part thereof, be loaned to any other fund of said district of said board until such bonds are fully paid.

SEC. 17. No bonds issued under the provision of this act shall be negotiated or sold by said board at less than the par value thereof.

SEC. 18. In all legal proceedings against said Red Wing school district the process shall be served upon the clerk of the board of education; and whenever such suit or proceedings shall be commenced, it shall be the duty of the clerk forthwith to notify the president of the board, and at the next meeting of the board thereafter he shall communicate all information he may have in relation to such suit or proceeding.

SEC. 19. All acts and parts of acts inconsistent with the provisions of this act are, so far as they affect the said Red Wing school district, hereby repealed.

SEC. 20. The term of office of the present members of the board of education of the Red Wing school district shall expire on the second (2d) Tuesday of May, eighteen hundred and ninety-one (1891), or as soon thereafter as the board of education, as provided for in this act, shall have been elected and qualified.

SEC. 21. This act shall be deemed a public act, and shall take effect from and after its passage.

Approved April 8, 1891.

## CHAPTER 241.

[H. F. No. 703.]

AN ACT AUTHORIZING THE VILLAGES OF SACRED HEART AND RENVILLE, IN RENVILLE COUNTY, STATE OF MINNESOTA, TO GRANT A REBATE OF ONE HUNDRED AND TWENTY-FIVE DOLLARS (\$125) TO THOSE PERSONS WHO TOOK OUT LICENSES TO SELL INTOXICATING LIQUORS JULY FIRST (1ST), EIGHTEEN HUNDRED AND NINETY (1890), IN SAID VILLAGES, COUNTY AND STATE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the villages of Sacred Heart and Renville, in the county of Renville, state of Minnesota, is hereby authorized and empowered to grant to all persons a rebate of one hundred and twenty-five dollars (\$125), who took out licenses to sell intoxicating liquors July first (1st), eighteen hundred and ninety (1890), and whose license expires April first (1st), eighteen hundred and ninety-one (1891), according to the provisions of Chapter five (5) of the General Laws of Minnesota for the year eighteen hundred and eighty-seven (1887), and to grant a rebate of one hundred and twenty-five dollars (\$125), paid by them respectively, and to pay the same out of any moneys collected for such licenses for the year commencing April first (1st), eighteen hundred and ninety-one (1891).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

## CHAPTER 242.

[H. F. No. 684.]

AN ACT TO PROVIDE FOR THE DISPOSITION OF THE LIQUOR LICENSE FUNDS OF THE VILLAGE OF HOUSTON, IN HOUSTON COUNTY AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That hereafter, if any licenses for the sale of intoxicating liquors are granted in the village of Houston, Houston county and state of Minnesota, one-third ( $\frac{1}{3}$ ) of all such moneys shall by the treasurer of said village, at once, on receipt thereof, be paid to the school district treasurer, for school purposes of the school district of which said village of Houston is the whole or a part.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 243.

[H. F. No. 617.]

AN ACT TO PROVIDE FOR THE PAYING OVER OF MONEYS COLLECTED BY THE VILLAGE AUTHORITIES OF THE VILLAGE OF CANTON, IN FILLMORE COUNTY, IN THE STATE OF MINNESOTA, FOR LIQUOR LICENSES, TO THE TREASURER OF THE SCHOOL DISTRICT OF SAID VILLAGE, FOR SCHOOL PURPOSES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It shall be lawful for the treasurer of the village of Canton, in the county of Fillmore, in the state of Minnesota, and he is hereby required, to pay over to the treasurer of the school district of said village, for the uses and purposes of the school fund of said school district, one-half ( $\frac{1}{2}$ ) of all the moneys collected by the authorities of said village as and for liquor licenses in the said village of Canton.

SEC. 2. Upon the receipt of the said moneys the treasurer of said school district shall make out and deliver to the said treasurer of said village of Canton his receipt for all moneys received by him as herein provided, and the said moneys shall be credited to and used by the said school district and be a part of the school fund thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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## CHAPTER 244.

[S. F. No. 867.]

AN ACT PROVIDING FOR A SPECIAL ELECTION IN THE VILLAGE OF CANNON FALLS, IN GOODHUE COUNTY, TO VOTE UPON THE QUESTION OF THE ISSUANCE OF LICENSE FOR THE SALE OF INTOXICATING LIQUORS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The recorder of the village of Cannon Falls, in the county of Goodhue, in this state, is hereby authorized and required to give notice of a special election to be held in said village for the purpose of enabling the qualified voters of said village to vote upon the question of the issuance of licenses for the sale of intoxicating liquors therein. Such election shall be held on or before the fifteenth (15th) day of May, A. D. eighteen hundred and ninety-one (1891), and upon a notice of at least ten (10) days, and shall be conducted, and the votes cast thereat canvassed and returned, in the same manner as in other village elections.

SEC. 2. The ballots to be used at such election shall have written or printed, or partly written and partly printed, thereon the words, "For the issuance of license—Yes—No."

SEC. 3. If at such election it shall appear that a majority of the votes are in favor of the issuance of license, then the village council may issue the same; but if a majority of such votes are against the issuance of licenses, then said council shall not issue the same to any person or persons until subsequent to the next annual village election.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 245.

[S. F. No. 636.]

AN ACT AUTHORIZING THE VILLAGE COUNCIL OF THE VILLAGE OF MINNESOTA LAKE TO APPROPRIATE FROM THE LIQUOR LICENSE FUND IN THE TREASURY OF SAID VILLAGE THE SUM OF THREE THOUSAND (3,000) DOLLARS, IN PAYMENT OF THREE THOUSAND (3,000) DOLLARS OUTSTANDING SCHOOL BONDS OF SCHOOL DISTRICT NUMBER TWENTY-TWO (22), IN FARIBAULT COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of Minnesota Lake, in the county of Faribault and state of Minnesota, is hereby authorized and empowered to take and appropriate from the treasury of the said village of Minnesota Lake three thousand (3,000) dollars, liquor license fund, now in the hands of the treasurer of said village, and use said money in the payment of three thousand (3,000) dollars of the outstanding school district bonds of school district number twenty-two (22), in said county of Faribault, the said payment to fully cancel the said school district bonds to said amount of three thousand (3,000) dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

**CHAPTER 246.**

[S. F. No. 425.]

**AN ACT TO APPROPRIATE MONEY DERIVED FROM LIQUOR LICENSE  
IN THE TOWN OF OAKDALE FOR THE CONSTRUCTION AND REPAIR  
OF COUNTY ROADS.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** All the money hereafter derived from license to sell liquor in the town of Oakdale, in the county of Washington, is hereby appropriated for the construction and repair of county roads within the boundary lines of said town.

**SEC. 2** The board of commissioners of Washington county shall have charge of construction and outlay of money on said roads.

**SEC. 3.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 4.** This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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**CHAPTER 247.**

[S. F. No. 830.]

**AN ACT AUTHORIZING THE COMMON COUNCIL OF THE VILLAGE OF  
WATERTOWN, IN THE COUNTY OF CARVER, TO APPROPRIATE  
PART OF THE LIQUOR LICENSE MONEY OF SAID VILLAGE, FOR  
THE PURPOSE OF ERECTING, MAINTAINING OR REPAIRING  
SCHOOL BUILDINGS IN THE DISTRICT IN WHICH SAID VILLAGE  
IS SITUATED.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the common council of the village of Watertown, in the county of Carver, state of Minnesota, are hereby authorized and empowered to appropriate any part of the liquor license money of said village, not exceeding the sum of five hundred (500) dollars, and donate the same to the school district in which said village is situated, for the purpose of erecting, maintaining or repairing school buildings in said village.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 248.

[S. F. No. 263.]

**AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF ELBOW LAKE, IN GRANT COUNTY, TO REFUND CERTAIN MONEY PAID INTO THE VILLAGE TREASURY BY P. J. BARTNESS, HANSON & JOHNSON AND OLSON & HENDRICKS, FOR CERTAIN LICENSE MONEY HERETOFORE PAID INTO THE TREASURY OF SAID VILLAGE.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The village council of the village of Elbow Lake, in Grant county, is hereby authorized to refund two hundred and fifty dollars (\$250) to P. J. Bartness, two hundred and fifty dollars (\$250) to Hanson & Johnson, two hundred and fifty dollars (\$250) to Olson & Hendricks, being one-half ( $\frac{1}{2}$ ) of the amount of license money paid into the treasury of the village of Elbow Lake on the first (1st) of October, eighteen hundred and ninety (1890), by said parties for a license for a term of six (6) months.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 249.

[S. F. No. 774.]

**AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-SIX (156) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), ENTITLED "AN ACT TO REDUCE THE LAW RELATIVE TO THE PUBLIC SCHOOLS IN THE CITY OF MANKATO INTO ONE ACT, AND TO AMEND THE SAME," AS AMENDED BY CHAPTER ONE HUNDRED AND TEN (110) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO AMEND THE LAW RELATIVE TO THE PUBLIC SCHOOLS IN THE CITY OF MANKATO."**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section three (3) of Chapter one hundred and fifty-six (156) of the Special Laws of Minnesota for the year one thousand eight hundred and seventy-eight (1878), entitled "An act to reduce the law relative to the public schools in the city of Mankato into one act and to amend the same," approved March seventh (7th), one thousand eight hundred and seventy-eight (1878), is hereby amended to read as follows:



Sec. 3. That said school district shall be divided into four (4) precincts, to be called the first (1st), second (2d), third (3d) and fourth (4th) precincts, and shall be limited, bounded and described as follows, to-wit: All that portion of the city of Mankato lying northerly of a line commencing on the east bank of the Minnesota river in the centre of Plum street; thence along the centre of Plum street to the centre of Sixth street; thence down the centre of Sixth street to the centre of Marsh street; thence along the centre of Marsh street to the city limits, together with that portion of the territory included in said district lying outside of the city limits and north of the Eagle lake or Guenther road, shall constitute the first (1st) precinct of said school district. All that portion of said school district lying southerly of the above described line and between said line and one commencing at a point on the bank of the Minnesota river, opposite the end of Hickory street; thence easterly along the centre of Hickory street to the centre of Hanover street; thence along the centre of Hanover street to the centre of Pearl street; thence along the centre of Pearl street to the centre of Hannah street; thence along the centre of Hannah street to the centre of Main street; thence easterly along the centre of Main street to the city limits, together with that portion of the territory included in said district lying outside of the city limits and between said Eagle lake or Guenther road and the north line of sections twenty (20) and twenty-one (21), township one hundred and eight (108) north of range twenty-six (26) west, shall constitute the second (2d) precinct of said school district. All that portion of the city of Mankato lying southerly of the last described line and between said line and one commencing at a point on the east bank of the Minnesota river on the section line between section eighteen (18), township one hundred and eight (108) north, range twenty-six (26) west, and section thirteen (13), township one hundred and eight (108) north of range twenty-seven (27) west; thence south along said section line to the centre of Front street; thence down the centre of Front street to the centre of Liberty street; thence along the centre of Liberty street to the centre of Fourth street; thence along the centre of Fourth street to the centre of Warren street; thence along the centre of Warren street to Fifth street; thence along the centre of Bunker Hill road to the city limits, shall constitute the third (3d) precinct of said school district. All that portion of the city of Mankato lying southerly of the last described line, together with that portion of the territory included in said school district lying outside of the city limits and southerly of the north line of sections twenty (20) and twenty-one (21), township one hundred and eight (108) north of range twenty-six (26) west, shall constitute the fourth (4th) precinct of said school district.

SEC. 2. That section nineteen (19) of Chapter one hundred and fifty-six (156) of said Special Laws of Minnesota for the year one thousand eight hundred and seventy eight (1878) be amended by striking out the word "ward," where it occurs therein, and substituting therefor the word "precinct."

SEC. 3. That section one (1) of Chapter one hundred and ten (110) of the Special Laws of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be amended by striking out from the ninth line of said section one (1) the words "ward of said city and territory thereto attached," and substituting therefor the words "pre-

cinct of said school district." And in all places in said chapter where the words "ward of said city" or the words "ward and territory attached" occur, said words be stricken out, and the words "precinct of said school district" be substituted therefor. And where the word "ward" occurs therein, it be stricken out and the word "precinct" be substituted therefor.

SEC. 4. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 250.

[H. F. No. 1144.]

### AN ACT TO LEGALIZE THE DISPOSITION OF SALOON LICENSE IN THE VILLAGE OF GLENWOOD, POPE COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Glenwood, in the county of Pope and state of Minnesota, is hereby authorized to pay, out of any money received into the treasury of said village, an amount of saloon licenses, any sum not to exceed two thousand dollars (\$2,000), to aid in building a flouring mill in said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.

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## CHAPTER 251.

[H. F. No. 1028.]

### AN ACT AUTHORIZING THE VILLAGE COUNCIL OF DETROIT, IN THE COUNTY OF BECKER AND STATE OF MINNESOTA, TO GRANT A REBATE OF LIQUOR LICENSE TO ANDREW DIETLEIN.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village council of the village of Detroit, in Becker county, state of Minnesota, are hereby authorized and empowered to refund to Andrew Dietlein the sum of nine hundred and ninety-six (\$996) dollars, the same being a rebate on a certain liquor license granted by said village council to said Andrew Dietlein on the twentieth (20th) day of March, eighteen hundred and ninety-one (1891); and the village recorder of said village shall, when ordered so to do by the

said village council, draw his order for said sum of nine hundred and ninety-six (\$996) dollars, in favor of said Andrew Dietlein, on the village treasurer of said village, who shall pay the same out of the general funds of the said village upon presentation thereof to him by said Andrew Dietlein.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 252.

[H. F. No. 806.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF SACRED HEART TO APPROPRIATE A CERTAIN PROPORTION OF THE SUMS COLLECTED FROM LIQUOR LICENSES TO THE USE OF SCHOOL DISTRICT NUMBER FORTY (40), IN RENVILLE COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village council of the village of Sacred Heart, in the county of Renville, in the state of Minnesota, may, by a majority vote thereof, is hereby empowered to appropriate, to and for the use and benefit of school district number forty (40), in said county of Renville, out of any moneys remaining in the village treasury of said village, such sum or sums of money accruing from liquor licenses issued by said village council as to the said council shall seem proper; but the amounts so appropriated for any one (1) year shall not exceed in amount one-half ( $\frac{1}{2}$ ) of the license money so collected for such period.

SEC. 2. A majority of said council may, at any meeting of the said council regularly called, make the appropriation provided for in this act, and by a resolution, duly adopted and entered on the minutes of said council, authorize the payment of such sum or sums to the treasurer of said school district for the use of said district, and the receipt of said treasurer for such sum or sums shall be taken therefor and be filed with the proper officers of said council.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 253.

[H. F. No. 1252.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF WAVERLY, IN WRIGHT COUNTY, TO REBATE CERTAIN LICENSE MONEY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Waverly, in Wright county, be and they are hereby authorized and empowered to grant a rebate of one hundred and twenty-five (125) dollars to Joseph Joliceur, on his saloon license in said village, the amount to be so rebated being for the months of January, February and March, A. D. one thousand eight hundred and ninety-one (1891).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 254.

[H. F. No. 1239.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF HERMAN TO REFUND CERTAIN LICENSE MONEYS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the village council of the village of Herman, in the county of Grant, be and are hereby authorized to refund and to pay to Jesse Walters, John Peters and Gust B. Rudbury the certain moneys paid by them for licenses for the sale of intoxicating liquors for the unexpired portions of the terms for which the same were issued.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 1891.

## CHAPTER 255.

[H. F. No. 533.]

AN ACT TO AMEND "AN ACT GRANTING FERRY PRIVILEGES TO THE CITY OF LAKE CITY, WABASHA COUNTY, MINNESOTA," APPROVED MARCH NINTH (9TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section three (3) of an act entitled "An act granting ferry privileges to the city of Lake City, Wabasha county," be and the same hereby is amended by adding at the end of said section the following, to-wit: And the said city shall have power, through the common council and mayor thereof (for the purpose of keeping such ferry in operation or making up deficiencies in the running expenses thereof), to denote to any lessee or lessees of said ferry privilege a reasonable sum, as a bonus or subsidy, for one (1) or more years; *Provided, however,* that the said mayor and common council shall not hereafter enter into any contract, lease or obligation relating to said ferry privilege involving a bonus, grant or outlay of public funds to a greater amount than two hundred and fifty dollars (\$250) in any one (1) year, unless the proposition so to do shall be first (1st) submitted to the legal voters of said city of Lake City, at any general or special election therein, of which at least ten (10) days' previous notice shall have been given in the same manner as required on the annual election of mayor and alderman. Such notice of election shall specify the amount proposed to be expended, whether as an annual subsidy to lessee, or for constructing, purchasing, maintaining or repairing a boat for ferry purposes. If there be a majority of the legal voters (as evidenced by their ballots, cast at any such election) "in favor of the ferry proposition," then, and only then, shall the said common council be empowered to make the proposed outlay of more than two hundred and fifty dollars (\$250) per annum.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 256.

[H. F. No. 1027.]

**AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF DETROIT, IN THE COUNTY OF BECKER, TO APPROPRIATE MONEY FOR THE PURPOSE OF SECURING AND PAYING FOR THE YEARLY SERVICES OF THE LAKESIDE BAND OF DETROIT.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the village council of the village of Detroit, in the county of Becker, is hereby authorized and empowered to appropriate, annually, from and after the passage of this act, a sum not to exceed four hundred and eighty (480) dollars, out of the village treasury of said village of Detroit, to be used and expended by said village council for the purpose of securing and paying for the yearly services of the Lakeside Band of Detroit.

**SEC. 2.** The money authorized to be appropriated by said village council of said village of Detroit, as provided by section one (1) of this act, shall be expended and paid out under the direction of said village council, in such manner and at such times as said village council may direct.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 257.

[H. F. No. 1208.]

**AN ACT TO AUTHORIZE THE VILLAGE OF NEWPORT TO PAY THE EXPENSES OF ITS ORGANIZATION.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The village council of the village of Newport is hereby authorized and empowered to pay to the parties entitled thereto, for services rendered and money expended in securing the organization of said village, such sums as they shall deem proper, not exceeding in all the sum of one hundred dollars (\$100).

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 258.

[H. F. No. 370.]

AN ACT TO REPEAL "AN ACT TO AMEND THE CHARTER OF WINONA, AND PREVENT ITS CITY COUNCIL FROM INCURRING ANY LIABILITY EXCEEDING TEN THOUSAND (\$10,000) DOLLARS FOR ANY ONE OBJECT, WITHOUT A VOTE OF THE PEOPLE THEREON."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That an act entitled "An act to amend the charter of the city of Winona and prevent its city council from incurring any liability exceeding ten thousand (\$10,000) dollars for any one object, without a vote of the people thereon," approved February sixteenth (16th), eighteen hundred and seventy (1870), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

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## CHAPTER 259.

[H. F. No. 795.]

AN ACT TO AMEND "AN ACT PROVIDING FOR THE ACQUISITION AND IMPROVEMENT OF LANDS FOR PUBLIC PARKS AND PARKWAYS IN THE CITY OF WINONA, AND FOR THE CARE AND GOVERNMENT THEREOF," APPROVED APRIL FIFTEEN (15), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the fourth (4th) subdivision of section four (4) of an act entitled "An act providing for the acquisition and improvement of lands for public parks and parkways in the city of Winona, and for the care and government thereof," approved April fifteen (15), one thousand eight hundred and eighty-nine (1889), be and the same hereby is amended so as to read as follows:

"Fourth—At the time and place according to said notice, the said appraisers shall view the premises and shall hear all persons who may desire to be heard upon the question of damages and benefits, which are to be determined by the appraisers, and they may administer the usual oath to all persons who may appear before them as witnesses, and adjourn from day to day for the purpose aforesaid. In estimating the damages to be awarded for the taking of property as aforesaid, the appraisers shall take into consideration the reasonable value of the property so to be taken and the injury which may be incident to

such taking, but shall also consider the advantages, if any, which will accrue to the owner or owners of such property so taken, or to persons interested therein or having liens thereon, from the proposed park improvement. When their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken or which may be damaged by such improvement."

SEC. 2. That section five (5) of said act be and the same hereby is amended by inserting after the word "parkways," in the second (2d) line of said section, the words, "for the purchase of machinery, tools and implements to be used for improving the same, and for the cost of improvements of parks in said city."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

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## CHAPTER 260.

[S. F. No. 797.]

AN ACT MAKING ALL MUNICIPAL CORPORATIONS IN THE COUNTY OF SIBLEY SEPARATE ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF ASSESSORS THEREIN.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. All municipal corporations in the county of Sibley, to-wit, the villages of Green Isle, Arlington, Gaylord, Winthrop and Gibbon, and the city of Henderson, are hereby declared to be separate election districts; and each of said municipal corporations shall constitute one (1) election district for all elections, both general and special; and each and all of said municipal corporations shall be separate and distinct corporations and separate from the township in which the same may be located, for all purposes.

SEC. 2. That portion of any town affected by this act which shall not be included within the limits of any municipal corporation affected thereby shall hereafter constitute a town and an election district, and be subject to all general laws of the state now or hereafter in force relating to towns.

SEC. 3. In case of any existing indebtedness against the town in which any municipal corporation affected by this act is situated, and where such indebtedness is evidenced by any form of obligation, it shall be the duty of the county auditor to apportion, for the purpose of taxation, the respective liability of such town and municipal corporation, which shall be apportioned in proportion to the existing valuation of real estate and personal property in such town and municipal corporation respectively, as appears by the last assessment; and thereafter, as such obligations mature, it shall be the duty of the county auditor to extend a tax for the purpose of meeting such obligation against the property of such town and municipal corporation respectively, upon a basis of such apportionment.



SEC. 4. Where the place of holding the last election within any such town, or the place appointed by the electors of such town for holding the next election therein, is within the boundaries of any municipal corporation affected by this act, the supervisors of such town shall forthwith designate a place for holding the election within said town, and shall notify the governor of this state and the clerk of their town of the place so designated, and the next election within said town shall be held at such place; *Provided, however,* that when any town affected by this act shall own a town hall or other town building within the limits of any municipal corporation affected by this act, such town hall or other building may be used as the place for holding all elections by such town, unless the voters of such town shall designate some other place for holding such elections.

SEC. 5. The municipal corporations affected by this act shall each elect an assessor at their election for municipal officers, who shall qualify and possess all the powers of assessor and make assessments within said municipal corporations as provided by law.

SEC. 6. This act shall take effect and be in force from and after the second (2d) Tuesday in March, A. D. one thousand eight hundred and ninety-two (1892).

Approved April 14, 1891.

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## CHAPTER 261.

[S. F. No. 22.]

AN ACT TO CONFIRM, LEGALIZE AND VALIDATE ALL ASSESSMENTS FOR LOCAL IMPROVEMENTS MADE BY THE VILLAGE COUNCIL OF THE VILLAGE OF LAKESIDE, ST. LOUIS COUNTY, DURING THE YEAR EIGHTEEN HUNDRED AND NINETY (1890).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. All assessments for local improvements, including construction of sidewalks and sewers, and grading and otherwise improving streets, avenues and alleys, made or levied by the village council of the village of Lakeside, St. Louis county, during the year eighteen hundred and ninety (1890), be and the same are hereby in all respects confirmed, legalized and validated, as fully as if the same had been previously fully authorized by law and all proceedings in reference to the imposition and levy of such assessments had been had in conformity to law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 24, 1891.

## CHAPTER 262.

[S. F. No. 586.]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. PETER, IN THE COUNTY OF NICOLLET, MINNESOTA, TO LEVY AN ADDITIONAL THREE (3) MILL TAX FOR CURRENT EXPENSES, UNDER CERTAIN RESTRICTIONS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The common council of the city of St. Peter, in the county of Nicollet, Minnesota, are hereby authorized and empowered, during this and any subsequent year thereafter, to levy, in addition to all other taxes which are authorized to be levied under the charter of said city, a tax of three (3) mills upon the dollar upon all the taxable property of said city, to provide for the current expenses thereof; said tax to be levied, and returns thereof made to the county auditor of said county, at the same time and in the same manner that other taxes are levied and returned under the provisions of the charter of said city; *Provided*, that in no case shall said three (3) mill tax be levied until such levy shall be authorized by a vote of the electors of said city as hereinafter stated.

SEC. 2. That whenever the common council of said city shall determine to make the levy provided for in section one (1) of this act, they shall cause a resolution to that effect to be duly passed, adopted and spread upon the official records of said council, which resolution shall also contain a statement of the time when the question of the levying of such tax will be submitted to the electors of said city for their approval or rejection, which time so stated for such submission may be the day of holding the annual election in said city, or upon any day prior or subsequent thereto which may by said council be designated for holding a special election therefor.

SEC. 3. That after the passage of said resolution, and at least ten (10) days prior to the date designated for holding said election, the clerk of said city shall cause due and proper notice of the holding of said election to be given as provided by the charter of said city for the holding of annual elections therein, which notice shall contain, in addition to the ordinary requirements of election notices, the substance of said resolution; and said election shall be conducted and returns made thereof in the same manner as provided for by the charter of said city in all other city elections.

SEC. 4. The ballots used at said election shall be substantially in the following form, viz.: Those in favor of said resolution shall have written or printed thereon, or partly written and partly printed thereon, the words, "In favor of the resolution of the common council providing for the levy of additional tax for current expenses — Yes;" Those against said resolution shall have written or printed thereon, or partly written and partly printed thereon, the words, "In favor of the resolution of the common council providing for the levy of additional tax for current expenses — No." The returns of said election

shall be canvassed by the common council of said city and the result declared in the same manner as other election returns in said city are canvassed and declared.

SEC. 5. That after the canvass of said votes, if it shall appear therefrom that two-thirds ( $\frac{2}{3}$ ) of all the votes cast are in favor of said resolution, the common council may proceed to levy said tax in accordance with said resolution and section one (1) of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 18, 1891.

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## CHAPTER 263.

[S. F. No. 754.]

AN ACT TO REPEAL CHAPTER FIVE (5) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881) AND TO VACATE THE CHARTER OF THE VILLAGE OF BENTON, IN CARVER COUNTY, CHARTERED BY SAID ACT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That Chapter five (5) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-one (1881) is hereby repealed and the charter of the village of Benton, in Carver county, created by said act is hereby vacated;

*Provided*, that the council of said village shall at once pay all debts against said village out of the funds belonging to the treasury of said village and turn any surplus over to the town treasurer of the town of Benton, in said county of Carver; and any taxes that may hereafter be collected on account of any prior tax levy against the property in said village shall be paid to the treasurer of said town after the debts of said village have been paid.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved April 14, 1891.

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## CHAPTER 264.

[H. F. No. 1094.]

AN ACT TO CHANGE THE NAME OF THE VILLAGE OF NORTHERN PACIFIC JUNCTION, IN THE COUNTY OF CARLTON, TO THAT OF THE VILLAGE OF CARLTON.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the name of the village of Northern Pacific Junction, in Carlton county, be and the same is hereby changed to that of

Carlton; and said village shall hereafter be known and designated in all cases and proceedings as the village of Carlton, and this change of name shall at once and without further act take effect and apply to all ordinances heretofore passed by the village council of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

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## CHAPTER 265.

[H. F. No. 815.]

AN ACT PROVIDING FOR THE PUBLICATION OF THE PROCEEDINGS OF THE VILLAGE COUNCIL OF THE VILLAGE OF CLOQUET, IN THE COUNTY OF CARLTON, IN THIS STATE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village council of the village of Cloquet, Carlton county, Minnesota, is authorized, and it is hereby made the duty of said council, to publish, or cause to be published, in some weekly newspaper of general circulation in said village, the proceedings of said council, for one (1) week following each session, general or special; said publication shall consist of a full and complete copy of the recorder's minutes, and be by him prepared and delivered to such newspaper within three (3) days after any general or special session of said council.

SEC. 2. It is hereby made the duty of said council to annually designate said newspaper, which shall have been regularly published and circulated in said village for one (1) year next preceding such designation, and said newspaper shall thereupon and thereafter become the official newspaper of said village for the publication of all notices, statements or other things by law required to be published.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

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## CHAPTER 266.

[H. F. No. 993.]

AN ACT TO ENABLE THE TOWN OF NEWPORT, IN THE COUNTY OF WASHINGTON, TO COLLECT POLL TAX IN CASH INSTEAD OF BY STATUTE LABOR.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That every male inhabitant of the township of Newport, in the county of Washington, being above the age of twenty-one (21) years and under the age of fifty (50) years, except paupers, idiots,

lunatics and such other persons as are exempt by law, shall be assessed the sum of one (1) dollar per year instead of and in lieu of "not less than one (1) day nor more than four (4) days in each year," as enacted by section nine (9) of Chapter thirteen (13) of the General Statutes of one thousand eight hundred and seventy-eight (1878).

SEC. 2. All persons mentioned in the preceding section shall pay the said road tax to the overseer of highways in their respective districts, on or before the first (1st) day of July following the passage of this act, and on or before the first (1st) day of July in each and every year thereafter, to be by him expended in improving the roads and bridges in his road district.

SEC. 3. Every person entitled to pay tax under this act who refuses or neglects to pay the moneys due from him under this act, as herein provided, shall be guilty of a misdemeanor and shall be fined for every day's refusal and neglect to pay the same, after the same has become due, the sum of two dollars (\$2).

SEC. 4. Every overseer of highways within the said town of Newport shall, on or before the fifteenth (15th) day of May in each year, make a list of all persons mentioned in this act liable to pay the tax herein mentioned, and post up three (3) copies of the said list in three (3) public places in his said road district, together with a notice attached thereto, that the said tax is payable on or before the first (1st) day of July in the said year.

SEC. 5. Every overseer of highways shall, on or before the fifteenth (15th) day of July in each year, make out a list of taxes under this act which are delinquent and make complaint thereof in each case to one (1) of the justices of the peace in the town of Newport, or of the adjoining town, and the said justice of the peace shall forthwith issue a warrant, directed to the sheriff of the county of Washington, or to any constable of the said county, requiring him to arrest such delinquent and bring him before such justice, to be dealt with according to law; and upon such complaint and warrant further proceedings shall be had as is provided by law for the trial and punishment of misdemeanors.

SEC. 6. All fines imposed by the terms of section three (3) of this act shall, when collected, be paid to the overseer of highways who entered the complaint, to be by him expended in improving the roads and bridges in his road district.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 267.

[H. F. No. 300.]

AN ACT RELATING TO LANDS HERETOFORE GRANTED OR CONVEYED TO THE TRUSTEES OR TOWN COUNCIL, OF THE TOWN OF FOND DU LAC, IN THE COUNTY OF ST. LOUIS, STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That for the purposes of this act, all powers, authority and trusts heretofore, at any time, vested in the town council of the town of Fond du Lac, in the county of St. Louis, or in the trustees of said town, are hereby transferred to and vested in the judge of the district court for the eleventh (11th) judicial district who is now senior in office and to his successors in office.

SEC. 2. The title to all lands heretofore at any time conveyed by individuals to the trustees or town council of said town, shall be held by said judge and his successors in the same manner and subject to the same trusts as if said lands had been entered by the proper authorities of said town under and pursuant to the provisions of Chapter seventeen (17) of the United States Statutes at Large for the year A. D. one thousand eight hundred and forty-four (1844), the same being an act entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances," approved May twenty-three (23), A. D. one thousand eight hundred and forty-four (1844), and said conveyances, and all of them, are hereby legalized and confirmed; *Provided*, this section shall not apply to lands heretofore transferred by valid and operative deeds, executed by such trustees or town council.

SEC. 3. In all cases where said trust or trusts heretofore at any time vested in the present or former trustees or town council of said town, have not been executed as to any lands held or claimed by said trustees or town council, whether such lands were acquired under said act of congress or were acquired by deed from private individuals, and in all cases where such trusts have been irregularly or imperfectly executed, if any there be, it shall be the duty of the said judge, and he is hereby authorized and empowered, to fully execute and carry out said trusts; and in the execution of said trusts, the said judge shall be governed by the provisions of Chapter forty-two (42), General Statutes of Minnesota, one thousand eight hundred and seventy-eight (1878), and acts amendatory thereof, so far as applicable; and the provisions of said chapter and amendments shall apply to all of said lands in the same manner as if the whole of said lands had been entered under said act of congress, approved May twenty-three (23), A. D. one thousand eight hundred and forty-four (1844); and as to any lands heretofore at any time acquired by the present or former trustees or the town council of said town (in trust for the occupants thereof) other than lands acquired under and pursuant to said act of congress, the same parties shall be entitled thereto and their respective rights and claims shall be presented, ascertained and determined in the same manner as if all of said lands had been entered by said town council under said

act of congress; and the said judge and his successor is authorized and empowered to plat any or all of such lands as may be necessary or expedient for the full performance of the trusts hereby vested.

SEC. 4. In case any of said lands shall not be claimed under the provisions of the preceding sections, or of said Chapter forty-two (42), General Statutes of Minnesota, one thousand eight hundred and seventy-eight (1878), within three (3) years from the date of the passage of this act, said judge, or his successor in office, is hereby granted the power and authority at any time thereafter, upon the petition of the county commissioners of said county, or on his own motion, to sell such unclaimed lands at public auction, after causing an appraisement to be made thereof, to the highest bidder for cash, each separate and distinct tract separately, at the front door of the court house of said St. Louis county, between the hours of nine (9) o'clock in the forenoon and of the setting of the sun; but no tract shall be sold for less than its appraised value.

SEC. 5. Notice of the time and place of such sale, containing a description of the real property to be sold, shall be given by publishing the same for six (6) successive weeks, at least once in each week, in a newspaper printed and published in said St. Louis county.

SEC. 6. The judge making such sale, in case he deems such sale fair and just, shall execute and deliver to the purchaser a deed of conveyance, and such conveyance may contain one (1) or more tracts sold to the same purchaser at such sale.

SEC. 7. The proceeds of such sale, after paying the expenses incident thereto, shall be paid into the state treasury, to be held in trust for the benefit of the person or persons entitled thereto.

SEC. 8. It shall be the duty of said judge to keep, or cause to be kept as one of the records of his court, a full and complete record of all the proceedings had and taken, and of all his acts done, under the directions, authority and provisions of this act.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 268.

[S. F. No. 130.]

AN ACT AUTHORIZING THE VILLAGE COUNCIL OF THE VILLAGE OF NEW LONDON TO GRADE AND CAUSE GRADES TO BE ESTABLISHED OF STREETS AND ALLEYS, AND ALSO TO LEVY SPECIAL TAXES FOR GRADING OF STREETS AND ALLEYS IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The village council of the village of New London, Kandiyohi county, shall have power to establish the grade of any street or alley where such grade has not been established, and may grade any such street or alley without the consent of owners of abutting property; it shall cause profiles of the grades of all streets so graded to be made and kept in the office of the village recorder.

SEC. 2. The expense of filling and grading streets and alleys shall be chargeable to the lots or parcels of land abutting upon such streets or alleys, in proportion to the frontage, without reference to the value of the land.

SEC. 3. For the purpose of grading any street or alley the village council shall levy, and cause to be collected upon the lots, tracts or parcels of ground abutting such street or alley, a tax sufficient to pay the whole expense of such grading as ordered opposite such property to the centre of the street or alley. The village recorder shall thereupon cause a notice to be published in a newspaper published in said village, if there is one, and if not, then in any newspaper in the county; such notice shall state the fact of the levy of such special tax having been made, the amount levied upon each lot or parcel of land and the names of the owners, if known. The notice shall be published three (3) successive weeks, and shall further state that the persons liable to such tax or assessment may pay the same, at any time within six (6) weeks from the date of said notice, to the village treasurer.

At the time of publishing such notice the village recorder shall deliver the assessment roll to the village treasurer; at the end of six (6) weeks the treasurer shall return the assessment roll to the village recorder, showing what taxes have been paid and what remain unpaid. The village recorder shall, before the first (1st) day of September following, or at such time as may be required by the laws of this state, certify to the county auditor the description of the lots or parcels of land upon which such special tax has not been paid, the amount of tax due on each and the names of the respective owners, if known. The village recorder shall add a penalty of ten (10) per cent on all such taxes so certified to the county auditor. Such taxes so certified shall be entered and collected in the same manner that state and county taxes are collected, and when collected shall be paid over to the village treasurer.

SEC. 4. No assessment in this act provided for shall be set aside or held invalid by reason of any informality or irregularity in the proceedings prior to the entry thereof on the tax lists of the auditor of said county, as herein required, unless it shall appear that by reason of any such informality or irregularity an injustice has been done to the parties or party claiming to be aggrieved.

SEC. 5. If in any case the village council shall deem that a part of the expense of doing any work provided for by this act should be borne by the village at large, they may, by a two-thirds ( $\frac{2}{3}$ ) vote of all members of the council, by resolution, order that a part of the expense, not exceeding one-third ( $\frac{1}{3}$ ), shall be paid out of the village treasury.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.



**CHAPTER 269.**

[S. F. No. 350.]

AN ACT TO AUTHORIZE THE ACQUIRING OF SITE FOR A PUBLIC BUILDING IN THE CITY OF MANKATO, IN BLUE EARTH COUNTY; TO CEDE TO THE UNITED STATES JURISDICTION THEREIN, AND TO EXEMPT THE SITE SO ACQUIRED FROM TAXATION.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the consent of the state of Minnesota is hereby given to acquire a site and to erect a building thereon for the accommodation of the United States courts, post office and other government offices in the city of Mankato, in the state of Minnesota, as provided by an act of congress entitled "An act to provide for the purchase of a site and the erection of a public building thereon, at Mankato, in the state of Minnesota," approved January twenty-seventh (27th), eighteen hundred and ninety one (1891.)

SEC. 2. Exclusive jurisdiction is hereby ceded to the United States over the site so acquired and the structures erected thereon, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the state of Minnesota, and the service of civil process therein, and the same shall be and remain exempt from taxation by the state of Minnesota while so owned or held by the United States for the purposes aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

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**CHAPTER 270.**

[H. F. No. 1262.]

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE VILLAGE OF ST. VINCENT TO INCUR AN INDEBTEDNESS AND EXPEND A SUM, NOT TO EXCEED SIX HUNDRED DOLLARS (\$600), FOR CERTAIN PURPOSES AND TO ISSUE WARRANTS FOR THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of trustees of the village of St. Vincent are hereby authorized and empowered to incur an indebtedness and to expend a sum, not to exceed the sum of six hundred dollars (\$600), for the purpose of paying the necessary expenses of circulating petitions, paying for printing, legal services and all other necessary expenses in connection with taking the necessary steps to hold and carry on an election for the removal of the county seat of Kittson county to

the village of St. Vincent; and all such sums so expended and indebtedness thereby incurred, is hereby declared a legal claim and charge against said village of St. Vincent, to be paid the same as other claims against said village.

SEC. 2. That for the purpose of paying the indebtedness so to be incurred as aforesaid, the board of trustees of said village are hereby authorized and empowered to issue the warrants of said village for all said sums so expended, not to exceed, in any event, however, the said sum of six hundred dollars (\$600); which warrants so issued shall be paid by the treasurer of said village the same as all other claims against the village, out of any money in his hands for said purpose not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved April 20, 1891.

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## CHAPTER 271.

[H. F. No. 388.]

### AN ACT PROVIDING FOR THE ELECTION OF AN ASSESSOR IN THE VILLAGE OF PERHAM, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The legal voters of the village of Perham, in the county of Otter Tail and state of Minnesota, are hereby authorized to elect a village assessor in and for such village, who shall have the same authority, be subject to the same liabilities and receive the same compensation for his services as are provided by law for township assessors in this state, and who shall hold the office for the term of one (1) year and until a successor is elected and qualified.

SEC. 2. Every person elected to the office of assessor shall, before the time of receiving the assessment book, file with the county auditor his bond, payable to the state of Minnesota, with at least one (1) good freeholder surety, to be approved by the said auditor, in the penal sum of five hundred dollars (\$500), conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by law; and he shall, moreover, take and subscribe on said bond an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined by law upon a township assessor.

And if any person so elected fails to give bond or fails to take the oath required within the time prescribed, such failure shall be deemed a refusal to serve.

SEC. 3. That the village council of the village of Perham shall constitute the board of equalization for the equalization of taxes upon all property in said village.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

## CHAPTER 272.

[S. F. No. 383.]

AN ACT AUTHORIZING THE VILLAGE COUNCIL OF THE VILLAGE OF NORWOOD TO LEASE PART OF CERTAIN PARK GROUNDS THEREIN, FOR THE PURPOSE OF CONSTRUCTING A RACE-COURSE AROUND THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Norwood, in Carver county, Minnesota, are hereby authorized and empowered to lease part of said village's park grounds for the purpose of constructing a race-course around the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

## CHAPTER 273.

[S. F. No. 796.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF WHALAN, IN FILLMORE COUNTY, MINNESOTA, TO EXPEND THIRTY (30) PER CENT OF THE VILLAGE FUNDS ON ROADS AND BRIDGES AND OTHER PUBLIC IMPROVEMENTS OUTSIDE OF THE INCORPORATION.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Whalan, in Fillmore county, Minnesota, be and they are hereby authorized to expend thirty (30) per cent of the village funds now in the village treasury, or that may hereafter come into the said village treasury of the village of Whalan, on roads, bridges and other public improvements outside of the corporate limits of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 274.

[S. F. No. 222.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF BUFFALO, IN WRIGHT COUNTY, TO RAISE THE WATERS IN BUFFALO LAKE, IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of Buffalo, in Wright county, are hereby authorized and empowered to raise the waters of Buffalo lake, in said county, not to exceed four (4) feet, and to perpetually maintain said lake as so raised, by damming and filling the outlets thereof, not to exceed four (4) feet above the present beds of said outlets, and perpetually maintaining the same, or otherwise, as they shall see fit.

SEC. 2. Said village council shall not be authorized to so raise the waters of said lake until they shall have first procured the consent, in writing, of all the owners of lands bordering on said lake and shall have caused the same to be recorded in the village records by the recorder of said village, and filed in the office of the register of deeds in and for said county; *Provided*, that in case any owner of lands bordering on said lake is unwilling to consent thereto, in writing, then, in such case or cases, such proceedings shall be first had as now provided by law in cases of incorporated villages condemning and appropriating lands for public uses; *Provided further*, that in such proceedings neither the court nor the jury need to be satisfied that public interests require the prosecution of said enterprise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 275.

[S. F. No. 236.]

AN ACT TO AUTHORIZE THE VILLAGE OF SLEEPY EYE LAKE, BROWN COUNTY, TO DAM SLEEPY EYE LAKE AND RAISE THE WATER THEREOF TO THE MEANDERED LINE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The village of Sleepy Eye Lake, Brown county, Minnesota, is hereby authorized and permitted to construct, erect and maintain a dam within the meandered lines of Sleepy Eye Lake, and to raise the water thereof up to the meandered line, and to use the necessary soil and gravel within said meandered line for said purpose; said lake being located near said village and said dam to be constructed as follows as near as practicable: Commencing at meander corner number twenty-eight (28) of said lake; thence running north

ten (10) degrees west two hundred and ninety-six (296) feet to a point midway between meander corners numbered seventy-three (73) and seventy-four (74).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1881.

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## CHAPTER 276.

[S. F. No. 423.]

AN ACT TO AUTHORIZE THE TOWN OF MOORHEAD, IN CLAY COUNTY, TO INVEST ITS INTEREST AND SINKING FUND IN INTEREST BEARING SECURITIES.

WHEREAS, The town of Moorhead is indebted to divers parties in the sum of five thousand dollars (\$5,000) upon bonds not due and payable until A. D. eighteen hundred and ninety-nine (1899), and has in its treasury upwards of said sum for purpose of paying the same;

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of supervisors of the town of Moorhead, in the county of Clay, may, by majority vote thereof, invest the full amount of the sinking and interest fund now in the hands of the treasurer of said township in interest bearing securities, consisting of county warrants and real estate mortgages due not later than January first (1st), A. D. eighteen hundred and ninety-nine (1899).

SEC. 2. That all notes and mortgages securing the same so taken shall be drawn in favor of the town of Moorhead, and all moneys so invested shall be payable out of the treasury of said township only upon the order of a majority of said board of supervisors.

SEC. 3. This act shall be in force from and after its passage.

Approved March 27, 1891.

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## CHAPTER 277.

[S. F. No. 601.]

AN ACT TO AMEND SECTION EIGHT (8) AND REPEAL SECTION NINE (9) OF CHAPTER THIRTEEN (13) OF THE SPECIAL LAWS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE (1885), RELATING TO THE ASSESSMENT AND EQUALIZATION OF PROPERTY IN THE BOROUGH OF BELLE PLAINE, IN SCOTT COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section eight (8) of Chapter thirteen (13) of the Special Laws of the year eighteen hundred and eighty-five (1885) be amended by adding at the end of said section eight (8) the following:

And thereupon the assessment books shall be returned by such clerk of said borough to the auditor of Scott county, and the board of equalization of said county shall equalize such assessment of property at the same time and in the same manner as is provided by the General Statutes of eighteen hundred and seventy-eight (1878) and acts amendatory thereof.

SEC. 2. That section nine (9) of Chapter thirteen (13) of the Special Laws of the year eighteen hundred and eighty-five (1885) be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage; *Provided*, that nothing herein contained shall be construed or operate to affect or in any manner invalidate any action or proceeding heretofore done or had by any officer or council in said sections named.

Approved April 1, 1891.

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## CHAPTER 278.

[S. F. No. 755.]

### AN ACT TO LEGALIZE GRADES, SURVEYS, PROFILES AND PLATS IN THE CITY OF SHAKOPEE, IN MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. All grades and surveys and the plats and profiles and notes thereof, heretofore made under direction of the common council of the city of Shakopee, whether made by the city surveyor of said city or by any other surveyor or civil engineer, and whether such plats and profiles and notes have been filed in the office of the city surveyor or not, and all plats, profiles and notes of surveys and grades now on file in the office of the city recorder of said city, are hereby legalized and made of the same force and effect as though the same had been made and kept in strict conformity with the charter of said city, by and in the office of the city surveyor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 279.

[S. F. No. 431.]

AN ACT TO AMEND "AN ACT TO AMEND THE LAW RELATIVE TO THE PUBLIC SCHOOLS IN THE CITY OF MANKATO," APPROVED MARCH 22D, 1889.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section six (6) of Chapter one hundred and ten (110) of the Special Laws of Minnesota for the year one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended by adding at the end of said section six (6) the following:

"And whenever an existing bonded indebtedness of said board of education shall become due, and there shall not be sufficient funds available for the payment thereof, the said board of education may issue the bonds of said board in denominations of five hundred (500) or one thousand (1,000) dollars as the said board may determine, with interest coupons attached, which bonds shall be known as the refunding bonds of the board of education of the city of Mankato, and bear interest at a rate not to exceed six (6) per cent per annum, payable annually, and be payable at such time or times not exceeding fifteen (15) years after the date of said bonds as said board may determine and direct, and at such place or places as said board shall by resolution determine, and said bonds and coupons thereto attached shall be signed by the president of said board, authenticated by the corporate seal of the board and attested by the secretary of said board, and the said secretary shall keep a record of all of said bonds so issued, showing the number, date and amount thereof, and the said bonds when executed shall be negotiated by said board at such rates, not less than their par value, as said board may determine, and the proceeds thereof shall be paid into the treasury of said board, and the same credited to a fund which shall be denominated the 'Refunding Bond Fund,' and none of the moneys so realized from said bonds shall be drawn out or used for any other purpose than the redemption and payment of the principal of the bonded indebtedness of said board of education; *Provided, however,* that in the case of any bonds of said board that shall be negotiated for more than their face value, the money so acquired above the face value thereof shall be credited to the fund known as the 'Special Fund.'"

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 280.

[H. F. No. 448.]

AN ACT TO CREATE A SCHOOL DISTRICT OUT OF CERTAIN TERRITORY  
LYING IN THE COUNTIES OF BROWN AND REDWOOD.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section thirty-six (36) of township one hundred and ten (110) north of range number thirty-four (34) west, in Redwood county; and section thirty-one (31) and the south half ( $\frac{1}{2}$ ) of sections thirty-two (32) and thirty-three (33) of township number one hundred and ten (110) north of range thirty-three (33) west, in Brown county; and section one (1), township number one hundred and nine (109) north of range thirty-four (34) west, in Brown county; and section (6) and the north half ( $\frac{1}{2}$ ) of section five (5) and the northwest quarter of section four (4), township one hundred and nine (109) north of range number thirty-three (33) west, in Brown county, be and the same and every part of the foregoing territory is hereby set off and created into and declared to be a special and new school district, under the name and style of school district number seventy-seven (77), and as such school district, under the name and style aforesaid, to have and enjoy all the powers and rights and to be subject to all the duties of a common school district organized under the general laws of this state.

SEC. 2. The legal voters who are freeholders within the said school district number seventy-seven (77), within sixty (60) days after the passage of this act, shall meet at house of Fred Schutt, and elect a director, treasurer and clerk of said district, and the officers so elected shall immediately qualify, and the clerk shall thereupon and at once notify the proper officers of said counties of Brown and Redwood of said election; *Provided*, a notice of the time and place of said meeting, signed by any five (5) of the legal voters and freeholders aforesaid, shall be given in the manner now prescribed by law.

SEC. 3. Whenever any officers are elected or taxes are voted by said district the clerk thereof shall report the same to the proper officers, in the same manner as other taxes levied and collected, and the same, together with all other moneys due said district, shall be paid over to the treasurer of said district, and all taxes now levied upon any of the property, real or personal, now embraced in said school district number seventy-seven (77), shall, when collected, be paid to said treasurer of said school district number seventy-seven (77).

SEC. 4. The county superintendent of the county of Brown shall have jurisdiction over said district and visit the same and grant certificates to teach therein as in other cases.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.



## CHAPTER 281.

[S. F. No. 543.]

AN ACT TO LEGALIZE THE PROCEEDINGS OF INDEPENDENT SCHOOL DISTRICT NUMBER SEVEN (7) OF BROWN COUNTY IN VOTING BONDS FOR THE PURPOSE OF ERECTING A SCHOOL HOUSE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The proceedings, all and singular, of independent school district number seven (7), in Brown county, relating to the application for a loan of the state, and the voting of bonds, and the issue of bonds, are hereby in all things legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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CHAPTER 282.

[S. F. No. 776.]

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE VILLAGE OF NORTH BRANCH, IN THE COUNTY OF CHISAGO, TO APPROPRIATE CERTAIN MONEYS TO SCHOOL DISTRICT NUMBER THIRTY-TWO (32) IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That thirty-five (35) per cent of all moneys collected from licenses for the sale of intoxicating liquors in the village of North Branch, in the county of Chisago, shall be paid into the treasury of school district number thirty-two (32) in said village.

SEC. 2. It shall be the duty of the village treasurer of North Branch, in the county of Chisago, to pay over to the treasurer of school district number thirty-two (32) thirty-five (35) per cent of all moneys collected as license money for the sale of intoxicating liquors within sixty (60) days after the same shall have been paid into the said village treasury.

SEC. 3. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 283.

[H. F. No. 170.]

AN ACT TO CHANGE THE BOUNDARIES OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1), KNOWN AS SCHOOL DISTRICT NUMBER TWO (2), OF CLAY COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the boundaries of independent school district number one (1), known as school district number two (2) of Clay county, Minnesota, be changed so as to leave off therefrom the town of Holy Cross, being township one hundred and thirty-seven (137) north of range forty-eight (48) west.

SEC. 2. This act shall take effect and be in force from and after July thirty-first (31st), one thousand eight hundred and ninety-one (1891).

Approved February 19, 1891.

## CHAPTER 284.

[H. F. No. 273.]

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF THE BRAINERD SCHOOL DISTRICT TO MAKE SETTLEMENT OF ITS CLAIM AGAINST PETER M. LAGERQUIST.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of education of the Brainerd school district, in the county of Crow Wing and state of Minnesota, is hereby authorized and empowered to accept from Peter M. Lagerquist an assignment of a certain judgment for the sum of two thousand three hundred and fifty-six dollars and eighty-two cents (\$2,356.82), rendered and docketed in the district court of said Crow Wing county, on the thirteenth (13th) day of February, eighteen hundred and ninety (1890), in favor of the said Peter M. Lagerquist and against Calvin L. Spaulding, in full satisfaction of losses sustained by the said Peter M. Lagerquist as treasurer of said board of education, and of his obligation thereunder, by reason of the failure of the Lumbermen's Exchange Bank, operated by the said Calvin L. Spaulding at said Brainerd, with whom and in which said bank the money and funds of said Brainerd school district were, at the time of said failure, deposited.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1891.

## CHAPTER 285.

[H. F. No. 810.]

AN ACT TO PROVIDE FOR DISTRIBUTION OF CERTAIN SCHOOL FUNDS OF CROW WING COUNTY, THIS STATE, AMONG THE SEVERAL COMMON SCHOOL DISTRICTS OF SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That hereafter all moneys levied and collected from the annual one (1) mill school tax upon the taxable property of the county of Crow Wing, in this state, not situated within the limits of any organized school district of said county, shall be by the county auditor of said county, at the same time and in the same manner other school funds are apportioned in said county, apportioned among the several common school districts of said county for the use of said school districts for teachers' wages.

SEC. 2. That for the purpose of this act and for all school purposes, common school district number one (1) of said county shall be composed of and include the territory of township forty-four (44) in range thirty (30) in said county, and no other territory.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 286.

[H. F. No. 649.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SCHOOL DISTRICT NUMBER EIGHTY-THREE (83), IN DAKOTA COUNTY, MINNESOTA, AND MAKE THE SAME A SEPARATE SCHOOL DISTRICT, TO BE KNOWN AS SCHOOL DISTRICT NUMBER EIGHTY-TWO (82).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the following described lands, to-wit: The south half ( $\frac{1}{2}$ ) of section five (5) and six (6) and the northeast quarter ( $\frac{1}{4}$ ) of section six (6) and the west thirty-two and eighty-six one hundredths ( $32\frac{86}{100}$ ) acres of the northwest quarter ( $\frac{1}{4}$ ) of section six (6) and the north three-fourths ( $\frac{3}{4}$ ) of sections seven (7) and eight (8), all the above land being in township one hundred and twelve (112), range eighteen (18), in Dakota county, Minnesota, be and the same is hereby detached from school district number eighty-three (83), in said county of Dakota, and made into a separate school district, to be known as school district number eighty-two (82).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1891.

## CHAPTER 287.

[S. F. No. 614.]

AN ACT TO DETACH CERTAIN TERRITORY FROM THE INDEPENDENT SCHOOL DISTRICT OF ALEXANDRIA VILLAGE, IN DOUGLAS COUNTY, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER TWENTY-TWO (22) OF DOUGLAS COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That lots number two (2), three (3) and four (4), and the east one-half ( $\frac{1}{2}$ ) of the south-east quarter ( $\frac{1}{4}$ ) of section number four (4), township number one hundred and twenty-eight (128), range thirty-seven (37), in the town of Alexandria, in Douglas county, and which are now included in independent school district of Alexandria village be and the same is hereby detached from said independent school district of Alexandria village and attached to school district number twenty-two (22) of Douglas county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 288.

[H. F. No. 701.]

AN ACT TO ESTABLISH A SPECIAL SCHOOL DISTRICT IN TOWNSHIP ONE HUNDRED SEVENTEEN (117) NORTH OF RANGE TWENTY-THREE (23) WEST, IN HENNEPIN COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the following described lands lying in township one hundred seventeen (117) north of range twenty-three (23) west, in Hennepin county, Minnesota, viz.: The south eighty (80) rods of section two (2), all of section nine (9), except the north one-half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the north one-half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of said section; all of sections ten (10), eleven (11), fourteen (14), fifteen (15) and sixteen (16); all of Big or Morse Island in section twenty-two (22); all of section twenty-one (21) in town of Orono, shall be and constitute a special school district under the name of the "Hill School District." Such school district shall be organized and governed under and pursuant to the laws of the state relating to common school districts.

SEC. 2. Any person whose summer residence shall be in such district, who shall have resided therein ten (10) days immediately prior to any school meeting or school election, and who shall in other respects be a qualified elector, may take part in and vote at such meeting or election, although such person may not intend to maintain his residence in such district during the winter season.

SEC. 3. Any summer resident who shall have resided in such district thirty (30) days prior to such election may be elected an officer of such district, and may continue to hold and exercise the duties of such office, notwithstanding his removal from such district for winter residence; *Provided*, that failure on the part of such officer for a continuous period of seven (7) months to reside in such district, shall cause such office to become vacant.

SEC. 4. This act shall be in full force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 289.

[H. F. No. 33.]

AN ACT PROVIDING FOR SALE OF CERTAIN SCHOOL PROPERTY, AND PROVIDING FOR THE EQUITABLE DIVISION OF THE PROCEEDS THEREOF AND APPORTIONMENT MONEY BETWEEN CERTAIN DISTRICTS IN ISANTI COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The trustees of school district number three (3), in the county of Isanti, are hereby authorized to sell to the highest bidder for cash, at public sale, giving ten (10) days' written notice, posted in three (3) public places in school district number three (3) and forty-five (45) in said county, the school house in said district number three (3), the lot and land on which it stands, and all the furniture and apparatus belonging to said school district number three (3), and make legal conveyance to the purchaser thereof.

SEC. 2. The clerk and director of said district number three (3) are hereby authorized to draw a warrant on the treasurer of said district number three (3) for one-half ( $\frac{1}{2}$ ) of the entire proceeds of said sale, payable to the treasurer of said school district number forty-five (45); and the treasurer of said district number three (3) is hereby authorized to pay said warrant.

SEC. 3. The clerk and director of said school district number three (3) are hereby authorized to draw a warrant on the treasurer of said school district number three (3), payable to the treasurer of said school district number forty-five (45), for the amount of apportionment money that will come into the treasury of said district number three (3) for the attendance of scholars from said district number forty-five (45), in said district number three (3), for the school year commencing August first (1st), one thousand eight hundred and ninety (1890), and the treasurer of said district number three (3) is hereby authorized to pay said warrant on the receipt of the said apportionment money.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 14, 1891.

## CHAPTER 290.

[S. F. No. 814.]

AN ACT TO DIVIDE SCHOOL DISTRICT NUMBER THIRTY-NINE (39), IN TOWN OF BELMONT, JACKSON COUNTY, MINNESOTA, AND TO DIVIDE THE FUNDS BELONGING THERETO; ALSO TO DETACH PART OF SECTION EIGHT (8) FROM SCHOOL DISTRICT NUMBER EIGHTEEN (18) AND TO CREATE A NEW SCHOOL DISTRICT FROM SUCH TERRITORY; ALSO TO AUTHORIZE THE ORGANIZATION OF A NEW SCHOOL DISTRICT IN TRAVERSE COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That there is hereby detached from school district number thirty-nine (39), in the town of Belmont, Jackson county, Minnesota, and by this act hereby created into a new school district, to be known as school district number eighty-nine (89), the following described territory, viz.: The west half ( $\frac{1}{2}$ ) of sections number three (3), ten (10) and fifteen (15); also, so much of sections number six (6), sixteen (16) and seventeen (17) as lie east of the Des Moines river; also all of section number eight (8); also, the north half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) and the northwest quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section number twenty-two (22); all the above described territory being in township number one hundred and three (103) north of range number thirty-five (35) west.

SEC. 2. That one-half ( $\frac{1}{2}$ ) of all the funds belonging to said school district number thirty-nine (39), whether now on hand or to become due from tax levies made prior to the passage of this act, is hereby set apart to said new school district number eighty-nine (89), and is declared to belong to said new school district, and that as soon as said new district number eighty-nine (89) is organized, and a treasurer therefor is duly elected and qualified, the treasurer of said old school district number thirty-nine (39) shall pay to said treasurer of said new district number eighty-nine (89), upon demand, the portion of said funds belonging to said new school district under the provisions of this act.

SEC. 3. That the persons residing within the following described territory in the county of Traverse, Minnesota, viz., sections number nineteen (19), twenty (20), twenty-one (21), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32) and thirty-three (33), in township one hundred twenty-six (126) north of range forty-five (45) west, be and are hereby authorized and empowered to organize, in the manner provided by the general laws of this state, a new school district, which shall embrace the territory in this section described, and shall be numbered as required by law; the said territory being hereby detached from the school district to which it now belongs.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 291.

[S. F. No. 794.]

## AN ACT RELATING TO THE SCHOOLS IN KANDIYOHI COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The high school board shall extend the privilege of taking the examinations given by it in the high schools to the common schools in Kandiyohi county.

SEC. 2. The county superintendent of schools for said county shall hold the same relation to the said board as the superintendent or principal of the high school.

SEC. 3. The said board shall have power to regulate the studies requisite for a completion of the work in the common schools of said county; *Provided*, that the said studies shall include English grammar, arithmetic, geography, history of United States, physiology and civil government;

*Provided, however*, that nothing in this act shall be so construed as to debar pupils from taking an examination in any other subject or subjects in which they are prepared.

SEC. 4. Should the county superintendent of schools deem it necessary, he shall have power to appoint not more than four (4) assistants, each of whom shall take charge of the examination in one (1) of each of not more than four (4) places in the said county. Each said assistant shall receive a remuneration of two dollars and fifty cents (\$2.50) per day, to be paid by the said county.

SEC. 5. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 292.

[H. F. No. 100.]

## AN ACT TO CREATE SCHOOL DISTRICT NUMBER NINETY-TWO (92) OF LAC QUI PARLE COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all the following described territory situate in Lac Qui Parle county, in this state, and described as follows, to-wit: all of sections twenty-one (21) and twenty-two (22), lying south of the Minnesota river; all of sections twenty-seven (27), twenty-eight (28) and thirty-three (33), and the east half ( $\frac{1}{2}$ ) of section thirty-two (32) and the west half ( $\frac{1}{2}$ ) of section thirty-four (34), being all in township one hundred and twenty (120) north of range forty-four (44), is

hereby declared to be created a school district, to be known as school district number ninety-two (92), and subject to all the provisions of law applicable to common school districts.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved February 25, 1891.

## CHAPTER 293.

[H. F. No. 974.]

AN ACT TO ORGANIZE A NEW SCHOOL DISTRICT IN THE TOWN OF YELLOW BANK, COUNTY OF LAC QUI PARLE AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That there is hereby created a new school district in the town of Yellow Bank, county of Lac qui Parle, consisting of the southeast quarter ( $\frac{1}{4}$ ) and lots number five (5) and six (6) of section five (5), the southwest and southeast quarter ( $\frac{1}{4}$ ) of section four (4), all of section nine (9), all of section eight (8), the southwest quarter ( $\frac{1}{4}$ ), the northwest quarter ( $\frac{1}{4}$ ) and the northeast quarter ( $\frac{1}{4}$ ) of section sixteen (16), all in township one hundred and twenty (120) north of range forty-six (46) west of the fifth (5th) principal meridian.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 294.

[H. F. No. 1140.]

AN ACT TO ORGANIZE A NEW SCHOOL DISTRICT IN THE TOWN OF MADISON, COUNTY OF LAC QUI PARLE, STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That there is hereby created a new school district in the town of Madison, county of Lac qui Parle, state of Minnesota, consisting of the following described territory, to-wit: All of sections nineteen (19), twenty-eight (28), thirty (30), thirty-one (31), thirty-two (32) and thirty-three (33), and all of section twenty-nine (29), except the north half ( $\frac{1}{2}$ ) of northeast quarter ( $\frac{1}{4}$ ) of said section twenty-nine (29), all in township one hundred and eighteen (118) north of range forty-four (44), in said county of Lac qui Parle, state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.



**CHAPTER 295.**

[H. F. No. 259.]

AN ACT TO DETACH CERTAIN TERRITORY FROM COMMON SCHOOL DISTRICT NUMBER SEVEN (7), SITUATE IN THE COUNTY OF LE SUEUR AND STATE OF MINNESOTA, AND ATTACH THE SAME TO INDEPENDENT SCHOOL DISTRICT NUMBER NINETY (90) IN SAID COUNTY AND STATE AFORESAID.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the south half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) and lot number three (3) of section number thirty-three (33), in township number one hundred and twelve (112) north of range number twenty-three (23), in the county of Le Sueur and state of Minnesota, be and the same is hereby detached from said common school district number seven (7), in said county of Le Sueur and state aforesaid, and attached to and made a part of independent school district number ninety (90), in said county and state aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.

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**CHAPTER 296.**

[S. F. No. 118.]

AN ACT TO DETACH A PORTION OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1) IN McLEOD COUNTY, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER TWENTY-EIGHT (28) IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the east half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section six (6), township one hundred and fifteen (115), range twenty-seven (27), in McLeod county, be and the same is hereby detached from independent school district number one (1) and is hereby attached to and made a part of school district number twenty-eight (28), in McLeod county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 297.

[S. F. No. 98.]

AN ACT TO DETACH A PORTION OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1), IN McLEOD COUNTY, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER TWENTY-EIGHT (28) IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the east half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section six (6), township one hundred and fifteen (115), range twenty-seven (27), in McLeod county, be and the same is hereby detached from independent school district number one (1), and is hereby attached to and made a part of school district number twenty-eight (28) in McLeod county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 298.

[S. F. No. 686.]

AN ACT TO DETACH A PORTION OF SCHOOL DISTRICT NUMBER SIX (6), IN McLEOD COUNTY, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER EIGHT (8), IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION. 1. That the south half ( $\frac{1}{2}$ ) of section thirty-one (31) and the southwest quarter ( $\frac{1}{4}$ ) and the west half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ), and the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section thirty-two (32), all in township one hundred and sixteen (116) north of range twenty-eight (28) west, in McLeod county, be and the same is hereby detached from school district number six (6) and attached to and made a part of school district number eight (8), in McLeod county and state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 299.

[S. F. No. 32.]

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NUMBER NINE (9) OF MEEKER COUNTY TO COMPROMISE DEBTS AND DEMANDS IN FAVOR OF SAID DISTRICT.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of education of independent school district number nine (9) of Meeker county are hereby authorized to settle, adjust and compromise any and all demands, claims or debts in favor of said district by receiving part payment thereof, and by accepting security therefor, to such an amount and in such manner as to a majority of said board may seem for the best interest of said district.

SEC. 2. This act shall take effect and be in full force from and after the date of its passage.

Approved January 21, 1891.

## CHAPTER 300.

[H. F. No. 314.]

AN ACT TO AMEND SECTION TWO (2) OF CHAPTER FIVE HUNDRED AND TWENTY-TWO (522) OF THE SPECIAL LAWS OF MINNESOTA FOR EIGHTEEN HUNDRED EIGHTY-NINE (1889), BY STRIKING OUT THE WORDS, "ALL OF SECTION TWENTY-THREE (23)," WHERE IT OCCURS IN SAID SECTION TWO (2) AND INSERT IN LIEU THREE-OF THE WORDS, "THE WEST HALF (½) OF SECTION TWENTY-THREE (23)."

[Relates to Slayton independent school district in Murray county.]

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section two (2) of Chapter five hundred and twenty-two (522) of the Special Laws of Minnesota for eighteen hundred and eighty-nine (1889) be and the same is hereby amended by striking out the words, "all of section twenty-three (23)," where the same occurs in said section two (2), and inserting in lieu thereof the words, "the west half (½) of section twenty-three (23)."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 301.

[H. F. No. 359.]

AN ACT TO DETACH CERTAIN TERRITORY FROM THE INDEPENDENT SCHOOL DISTRICT OF ADA, NUMBER EIGHT (8), AND SCHOOL DISTRICT NUMBER TWENTY-TWO (22), IN NORMAN COUNTY, MINNESOTA, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER SEVENTY-EIGHT (78), IN NORMAN COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the south half ( $\frac{1}{2}$ ) of section thirteen (13) and the southeast quarter ( $\frac{1}{4}$ ) of section fourteen (14), in township number one hundred and forty-four (144) north of range forty-six (46) west, be and the same is hereby detached from independent school district of Ada, number eight (8), in Norman county, Minnesota, and attached to school district number seventy-eight (78) of said Norman county, Minnesota.

SEC. 2. That the north half ( $\frac{1}{2}$ ) of section thirteen (13), in township one hundred and forty-four (144) north of range forty-six (46) west be and the same is hereby detached from school district number twenty-two (22) of Norman county, Minnesota, and attached to school district number seventy-eight (78) of said Norman county, Minnesota.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 302.

[S. F. No. 296.]

AN ACT ENABLING THE VILLAGE COUNCIL OF THE VILLAGE OF ST. HILAIRE, IN THE COUNTY OF POLK, TO SET APART AND APPROPRIATE A CERTAIN PORTION OF THE REVENUE OF SAID VILLAGE BELONGING TO THE GENERAL FUND TO THE GENERAL SCHOOL FUND OF SCHOOL DISTRICT NUMBER ONE HUNDRED AND TWO (102) IN SAID VILLAGE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the village council of the village of St. Hilaire, in the county of Polk, in the state of Minnesota, is hereby authorized, by a majority vote of said council, to take from the general revenue fund of said village, in each year after the passage of this act, an

amount equal to fifty (50) per cent of said general revenue fund, and to devote and appropriate the same to and for the use of the general school fund of school district number one hundred and two (102) of Polk county, in said state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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## CHAPTER 303.

[H. F. No. 738.]

AN ACT TO DETACH CERTAIN LANDS FROM SCHOOL DISTRICT NUMBER NINETEEN (19) AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER SEVEN (7) IN POPE COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the following territory in the county of Pope and state of Minnesota be and the same is hereby detached from school district number nineteen (19) and attached to school district number seven (7) of said county, to-wit: The southeast quarter ( $\frac{1}{4}$ ) of section number twenty-seven (27) and the northeast quarter ( $\frac{1}{4}$ ) and the north one-half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section number thirty-four (34), all in town number one hundred and twenty-six (126) of range number thirty-eight (38) of said county of Pope.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

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## CHAPTER 304.

[H. F. No. 750.]

AN ACT TO DETACH ALL THAT PORTION OF SCHOOL DISTRICT NUMBER FIFTY-SIX (56) WHICH LIES IN RAMSEY COUNTY FROM SCHOOL DISTRICT NUMBER FIFTY-SIX (56) AND TO ATTACH THE SAME TO SCHOOL DISTRICT NUMBER TWENTY-FIVE (25).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all that portion of school district number fifty-six (56) which lies within the limits of Ramsey county, in the state of Minnesota, be and the same hereby is detached from said school district number fifty-six (56), and the same is hereby attached to school district number twenty-five (25) of Ramsey county, Minnesota, as well for the purposes of taxation as for all other uses and purposes.

SEC. 2. This act shall be in force from and after its passage.

Approved April 13, 1891.

**CHAPTER 305.**

[H. F. No. 1057.]

**AN ACT TO DETACH CERTAIN TERRITORY FROM INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1), IN THE COUNTY OF REDWOOD, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER SIXTY-NINE (69), FOR SCHOOL PURPOSES.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the west half( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the southeast quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section thirty-two (32), township one hundred and thirteen (113) of range thirty-five (35), in the county of Redwood, be and are hereby detached from independent school district number one (1) of said county, and attached to common school district number sixty-nine (69) for all school purposes.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

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**CHAPTER 306.**

[H. F. No. 503.]

**AN ACT TO AUTHORIZE THE COUNTY AUDITOR OF THE COUNTY OF RENVILLE TO LEVY A TAX ON SCHOOL DISTRICT NUMBER ELEVEN (11), IN SAID COUNTY, FOR MONEY COLLECTED FROM SCHOOL DISTRICT NUMBER ONE HUNDRED AND EIGHT (108), IN SAID COUNTY, AFTER THAT PORTION OF SAID DISTRICT ONE HUNDRED AND EIGHT (108) FROM WHICH SAID TAX WAS COLLECTED WAS SET OFF FROM SAID DISTRICT NUMBER ELEVEN (11), AND TO AUTHORIZE THE TREASURER OF SAID COUNTY TO PAY THE SAME OVER WHEN COLLECTED TO SAID DISTRICT NUMBER ONE HUNDRED AND EIGHT (108).**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the county auditor of Renville county, state of Minnesota, be and is hereby authorized to levy upon all of the taxable property of school district number eleven (11), in said county, the sum of one hundred and fifty-two and ninety-nine one-hundredths (\$152  $\frac{99}{100}$ ) dollars, and duly enter said sum against said district and the property therein upon the tax list of said county for the year A. D. one thousand eight hundred and ninety-one (1891), and said tax so levied shall be collected by the proper officers of said county,

as other taxes are collected, this amount of money having been levied and collected as a tax for school purposes upon the taxable property of that part of said district number eleven (11), which was in January, A. D. one thousand eight hundred and ninety (1890), detached therefrom and made a part of school district number one hundred and eight (108) in said county; and the same having been paid over to the treasurer of said district number eleven (11) for the reason that the tax lists of said county for said year were completed and turned over to the treasurer of said county before said change in said district was made.

SEC. 2. Said money, when collected by the proper officers of said county, shall be paid to said school district number one hundred and eight (108) at the same time and in manner as other school money belonging to said district is paid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 307.

[S. F. No. 437.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SCHOOL DISTRICT NUMBER EIGHTY-ONE (81), IN THE COUNTY OF RENVILLE AND STATE OF MINNESOTA, AND FORM A NEW DISTRICT OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Sections four (4), five (5), six (6), seven (7), eight (8), nine (9), sixteen (16), seventeen (17) and eighteen (18), and the north half ( $\frac{1}{2}$ ) of sections nineteen (19), twenty (20) and twenty-one (21), in township one hundred and sixteen (116) of range thirty-three (33) west, in the town of Osceola, county of Renville and state of Minnesota, be and the same is hereby detached from school district number eighty-one (81) of said county, and formed and created into a new school district, to be known and designated as school district number one hundred and ten (110) of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

## CHAPTER 308.

[H. F. No. 835.]

AN ACT TO DETACH CERTAIN TERRITORY FROM COMMON SCHOOL DISTRICTS NUMBERED TWENTY-TWO (22), TWENTY-SIX (26) AND FIFTY-NINE (59), AND FORM A NEW COMMON SCHOOL DISTRICT NUMBERED ONE HUNDRED AND ELEVEN (111), IN THE COUNTY OF RENVILLE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That sections numbered six (6), seven (7) and eighteen (18) and the west one-half ( $\frac{1}{2}$ ) of sections numbered five (5), eight (8) and seventeen (17), in township numbered one hundred and fourteen (114) north of range numbered thirty-five (35) west of the fifth (5th) principal meridian, now attached to and forming part of common school district numbered fifty-nine (59), and the east one-half ( $\frac{1}{2}$ ) of the northeast and southeast quarters of sections numbered one (1), twelve (12) and thirteen (13), in township numbered one hundred and fourteen (114) north of range numbered thirty-six (36) west of the fifth (5th) principal meridian, all in the county of Renville and state of Minnesota, said portions of said sections one (1) and twelve (12) now forming part of common school district number thirty-six (36) in said county, and said portion of said section numbered thirteen (13), forming part of common school district numbered twenty-two (22), in said county, be and the same is hereby detached from said several common school districts and created into and declared to be a common school district, under the name and style of common school district numbered one hundred and eleven (111), and as such school district, under the name and style aforesaid, to have and enjoy all the powers and rights, and to be subject to all the duties, of a common school district organized under the general laws of this state.

SEC. 2. The legal voters who are freeholders within the said school district numbered one hundred and eleven (111), within sixty (60) days after the passage of this act, shall meet at the house of Henry Soltan and elect a director, treasurer and clerk of said district, and the officers so elected shall immediately qualify and the clerk shall thereupon and at once notify the proper officers of said county of Renville of said election; *Provided*, a notice of the time and place of said meeting, signed by five (5) of the legal voters and freeholders aforesaid, shall be given in the manner now prescribed by law.

SEC. 3. Whenever any officers are elected or taxes are voted by said district, the clerk thereof shall report the same to the proper officers of said county, in the same manner as other taxes levied and collected, and the same, together with all other moneys due said district, shall be paid over to the said district treasurer; and all taxes now levied upon any of the property, real or personal, now embraced in said school district numbered one hundred and eleven (111) shall, when collected, be paid to the treasurer of said school district numbered one hundred and eleven (111).



SEC. 4. The county superintendent of said county of Renville shall have jurisdiction over said district and visit the same and grant certificates to teach therein as in other cases.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 309.

[S. F. No. 632.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SCHOOL DISTRICT NUMBER EIGHTY-TWO (82) AND ATTACH THE SAME TO INDEPENDENT SCHOOL DISTRICT OF BIRD ISLAND, IN RENVILLE COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That sections thirty-four (34), thirty-five (35) and thirty-six (36), in town one hundred sixteen (116) of range thirty-four (34), be and the same are hereby detached from school district number eighty-two (82), in the county of Renville, and attached to the independent school district of Bird Island, in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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## CHAPTER 310.

[H. F. No. 659.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SCHOOL DISTRICT NUMBER SIXTY-ONE (61), IN THE COUNTY OF RICE AND STATE OF MINNESOTA, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER ONE HUNDRED AND ELEVEN (111) IN SAID COUNTY OF RICE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the east one-half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section twelve (12) and the north one-half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section thirteen (13), township number one hundred and ten (110) north of range nineteen (19) west, be and the same is hereby detached from school district number sixty-one (61) and attached to school district number one hundred and eleven (111), in the county of Rice and state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 311.

[S. F. No. 572.]

AN ACT TO CHANGE THE BOUNDARIES OF SCHOOL DISTRICT NUMBER ONE (1), IN THE CITY OF FARIBAULT, COUNTY OF RICE AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the east half ( $\frac{1}{2}$ ) of section thirty-three (33), in township one hundred and ten (110) north of range twenty (20) west, is hereby detached from school district number one (1), in the county of Rice and state of Minnesota, and attached to school district number one hundred and fourteen (114) of county and state aforesaid, and that the northwest quarter ( $\frac{1}{4}$ ) of section number one (1) and the east half ( $\frac{1}{2}$ ) of northeast quarter ( $\frac{1}{4}$ ) of section number two (2), all in township number one hundred and nine (109) north of range twenty-one (21) west, be hereby detached from school district number fifty-five (55) of Rice county, Minnesota, and attached to school district number one (1) of county and state aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14. 1891.

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## CHAPTER 312.

[H. F. No. 1251.]

AN ACT FOR THE FORMATION AND TO FIX THE BOUNDARIES OF THE INDEPENDENT SCHOOL DISTRICT OF THE CITY OF DULUTH, IN ST. LOUIS COUNTY, MINNESOTA, AND TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF SAID DISTRICT AND DEFINE THE POWERS OF THE BOARD.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. All of the territory at the present time contained within the municipal limits of the city of Duluth, and, in addition thereto, the territory contained within the following limits, to-wit: Commencing at a point in the bay of St. Louis, county of St. Louis and state of Minnesota, where the boundary line of the city of Duluth intersects the state line between Minnesota and Wisconsin; and running thence northwest along said city boundary line to the shore line of said bay; thence west on said city line to the northwest corner of lot two (2), in section five (5), in township forty-nine (49), range fourteen (14) west; thence north along said quarter section line to the township line; thence west on said township line to the northwest corner of section

two (2), in township forty-nine (49), range fifteen (15); thence south on the section line to the southwest corner of section fourteen (14); thence west to the northwest corner of section twenty-two (22); thence south to the northwest corner of section thirty-four (34); thence east to the state line aforesaid; thence along said state line down said state line in the St. Louis river and bay to the place of beginning, shall be and is hereby organized as an independent school district, and its board of directors and their successors in office shall be a corporation under the corporate name of "The Board of Education of the City of Duluth;" and as such corporation shall be and is the legal successor of the board of education of the independent school district of Duluth, as the same is at present formed and constituted; and for that purpose, said territory being outside of the corporate limits of the city of Duluth is hereby detached from school district number one (1), St. Louis county, Minnesota. In addition to the foregoing territory all of the territory of the city of Duluth, as the same shall hereafter be extended and defined, shall be included in and constitute the said school district. Said corporation may have and use a seal which shall contain the words, "Board of Education of the City of Duluth," and "Seal."

SEC. 2. The members of the board of education of the city of Duluth shall be eight (8) in number, until the annual election in one thousand eight hundred and ninety-three (1893), when the number shall be increased to and remain nine (9); and the first (1st) board shall consist of the members of the present board of education of the independent school district of Duluth and in addition thereto, the following named persons, J. W. Phillips and E. H. Hall, who are residents in and electors of said proposed new district. The said members of the board of education, as at present constituted, shall hold the irrelative offices for the remainder of the terms for which they were originally elected; and the said two (2) additional members shall hold their offices as such until the next succeeding annual election of school district officers in the year eighteen hundred and ninety-one (1891), and until their successors in office are elected and qualified.

At the annual election of members of the board in eighteen hundred and ninety-one (1891) there shall be elected three (3) directors for the term of three (3) years, and one (1) director for the term of one (1) year, to succeed the four (4) directors whose terms of office expire in the year eighteen hundred and ninety-one (1891) under this section; and thereafter, three (3) directors shall be elected at each annual election to fill the places of the retiring directors, who shall serve for three (3) years and until their successors are elected and qualified.

A majority of the members of said board of education shall constitute a quorum to transact business, but any number may adjourn from day to day.

SEC. 3. Elections in said district shall be held at such place within each election precinct in said district as the board of education shall designate, and the polls shall be kept open from ten (10) o'clock in the morning until four (4) o'clock in the afternoon, and notice shall be given by the clerk of the board of education of the time and places of holding such elections and the officers to be elected, and of any question to be submitted to the voters at such election, by publishing the same in a daily newspaper published in said district, in each issue of such paper, during the ten (10) days immediately preceding the day of such election.

SEC. 4. All elections shall be by ballot, and each ballot shall contain all the names of persons voted for, with a proper designation of the office written or printed thereon, and when any person is voted for for less than a full term, the length of such term shall be properly designated; and a plurality of votes shall elect. When two (2) or more candidates shall receive an equal number of votes for the same office, the election may be determined by the casting of lots, in the presence of the board of education, at such time and in such manner as they shall direct.

SEC. 5. Elections in said district shall be held and conducted by inspectors of election appointed by the board of education, and any voter in said district shall be eligible to appointment as such inspector, and shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judges and inspectors of election, and shall have power to appoint clerks of such elections and to administer the necessary oaths. Such elections shall be conducted, as nearly as practicable, in the same manner, and vacancies in the board of inspectors filled, as required by the general laws of the state regulating elections; and inspectors and clerks of election shall receive such compensation as may be fixed by the board, not exceeding that allowed by general laws to judges and clerks of election.

SEC. 6. If either of the inspectors of election at any election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of any such person be challenged by a qualified elector of the district, the inspector, before receiving the vote of such person, shall require of him to take the following oath, to-wit: You do solemnly swear (or affirm, as the case may be) that you are twenty-one (21) years of age, that you have resided within this state four (4) months and within this election district ten (10) days next preceding this election, and that you have not voted at this election. And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful perjury and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person not a qualified voter shall vote at any election held pursuant to this act, or if any person shall vote in any other election district than in the one in which he resides, or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, and may be imprisoned until such fine and costs of prosecution are paid, not exceeding three (3) months. If any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of any voter as he votes, or shall willfully make untrue or incorrect counts or tables of votes, each and every such inspector or clerk shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than fifty (50) dollars, nor more than one hundred (100) dollars, and may be imprisoned until such fine and costs of prosecution are paid, not exceeding three (3) months.

SEC. 7. When any election is closed the number of votes for each person voted for, and for and against each proposition or question voted upon, shall be forthwith counted and ascertained by the in-

spectors, and they shall make return thereof, stating the number of votes for each person for each office, and for and against each proposition or question voted upon, and shall deliver, or cause to be delivered, such returns to the clerk of the board of education, within two (2) days after any election; and within one (1) week after any election the board of education shall meet and canvass said returns and declare the result as it appears from the same, and the clerk of the board of education shall forthwith give notice to each of the persons so elected of their respective elections.

SEC. 8. The annual election of school directors shall be held on the third (3d) Saturday of July of each year.

SEC. 9. School district meetings shall not hereafter be held in the independent school district of the city of Duluth, and all the powers or functions now or which may hereafter be conferred upon independent school district meetings by general law, except the power to elect members of the board of education and the power to authorize the issuance of the bonds of the district, so far as it relates to said district, shall be possessed and exercised by the board of education of said district. And the board shall have power to appoint persons to fill vacancies in the board, who shall hold their offices until a general election, and may, by a two-thirds ( $\frac{2}{3}$ ) vote, remove a member of the board for willful neglect to attend the meetings of the board during three (3) months in succession; but no member shall be so removed until after notice and a chance to be heard.

SEC. 10. The board of education of the city of Duluth may, at any general election of the district, or at a special election ordered by the board of education for that purpose, submit to the voters of said district the question whether other and additional bonds of the district besides those already issued shall be issued for the purpose of purchasing and paying for sites and the erection and furnishing of school houses. Before any such question shall be so submitted, the said board shall, by resolution, declare it, in the opinion of the board, expedient that a specified amount of the bonds of the district, bearing a specified rate of interest, not exceeding six (6) per cent per annum, and running a specified number of years, not exceeding thirty (30), should be issued, and that the question of their issue shall be submitted to the voters of the district at an election to be held on a specified day; and such resolution shall be published in connection with the notice of the election at which the question is to be submitted. And at such elections the persons desiring to vote in favor of the issuance of such bonds shall have written or printed on their tickets the words, "Shall bonds be issued—Yes;" and those desiring to vote against the issuance of such bonds shall have written or printed on their tickets the words, "Shall bonds be issued—No." If two-thirds ( $\frac{2}{3}$ ) of those voting on the question shall vote in favor of issuing such bonds, the board shall have authority to cause them to be issued, and the same, when issued, shall be valid and binding on the district, but shall not be sold below their par value.

SEC. 11. The board of education of the city of Duluth shall receive all moneys and all property belonging to or accruing to the former board of education of the independent school district of Duluth and to school district number one (1), St. Louis county, Minnesota, or any part of the same, excepting that portion of the property of the latter district lying outside the territory included within the independent

school district of the city of Duluth, for the use and benefit of the public schools therein, and shall succeed to all the rights and be subject to all the liabilities of the same, excepting that said school district number one (1), St. Louis county, Minnesota, as constituted before the passage of this bill, shall remain liable for the fifteen thousand dollars (\$15,000) loan heretofore made by it in accordance with the provisions of Chapter one hundred and ninety-three (193) of the General Laws of Minnesota for the year eighteen hundred and seventy-seven (1877); and the sum of two thousand (2,000) dollars of the moneys belonging to said school district number one (1), St. Louis county, Minnesota, shall be left in the hands of the treasurer of said district, as it shall be constituted after taking from its territory that portion thereof included under the terms of this act in the said independent school district of the city of Duluth, for the purpose of defraying the school expenses thereof for the balance of its school year.

SEC. 12. Any bank within the limits of the city of Duluth having a capital stock of at least fifty thousand (50,000) dollars, which desires to receive on deposit any or all of the funds in the hands of the treasurer of the said board of education, shall, prior to September first (1st) in each year, file with the clerk of the said board an application for said deposit, stating that it will furnish good and sufficient bonds, payable to the said board of education, for double the amount of money likely to be received and conditioned for the safe keeping and payment, upon demand by the treasurer of the board, of the funds so deposited with it and interest thereon. The application so filed shall be presented to the board of education, and the board of education may then designate as the depository of the funds of the said board one (1) or more of the said banks, or may reject any or all of the said applications. The applications aforesaid shall state the rate of interest which the various banks will agree to pay on the average daily balances of money so deposited in said bank, which said interest shall be credited to the account of said board of education once in each month. After such designation shall have been made and the bank or banks so designated shall have executed a good and sufficient bond, which shall be presented to the board of education and approved by them, then all the funds in the hands of the treasurer of the board of education, or thereafter received by him, shall be deposited in the said bank or banks, in the name of the board of education and subject to the order of the treasurer of the board. When the funds in the hands of the said treasurer shall have been placed in the bank or banks designated as aforesaid, such treasurer and his bondsmen shall be exempt from liability therefor by reason of the loss of any such deposited funds from the failure, bankruptcy or any other acts of the said bank or banks at the time of such failure or bankruptcy or other acts aforesaid; but in all other cases the treasurer of the board of education and his bondsmen shall be liable for the full amount of all the funds at the disposal of the said treasurer.

SEC. 13. Upon and after the passage of this act said board of education of the city of Duluth shall be governed by the provisions of the general laws of the state of Minnesota governing independent school districts, not inconsistent with the provisions of this act, and by the general school laws of the state of Minnesota not inconsistent with this act and with the laws of Minnesota governing such independent

school districts, and all special acts heretofore passed for the government of the board of education of the independent school district of Duluth and inconsistent with this act are hereby repealed; *Provided*, that the repeal of any such acts shall not affect any rights acquired or penalties incurred or proceedings begun under any of said repealed acts.

SEC. 14. This act shall take effect from and after its passage and approval.

Approved April 14, 1891.

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## CHAPTER 313.

[H. F. No. 57.]

AN ACT TO DETACH CERTAIN TERRITORY FROM INDEPENDENT SCHOOL DISTRICT NUMBER SEVENTY-THREE (73), COMPOSED OF TERRITORY SITUATE IN THE COUNTIES OF SCOTT AND LE SUEUR AND STATE OF MINNESOTA, AND ATTACH THE SAME TO COMMON SCHOOL DISTRICT NUMBER SIXTY-TWO (62), IN SAID COUNTY OF SCOTT AND STATE AFORESAID.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all of the west half ( $\frac{1}{2}$ ) of section number twenty-six (26), except the northwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of said section number twenty-six (26), and the north one-half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section number twenty-three (23), and the land described as follows: Commencing at the northeast corner of the southeast quarter ( $\frac{1}{4}$ ) of section number twenty-two (22); thence running due west one hundred and sixty (160) rods; thence due south thirty-four and thirty-nine one hundredths (34.39) rods; thence due east fifty-five and sixty-one one hundredths (55.61) rods; thence due south sixty-five and fifty-four one hundredths (65.54) rods; thence due east one hundred and four and thirty-nine one hundredths (104.39) rods; thence due north ninety-nine and ninety-three one hundredths (99.93) rods to the place of commencement, all situate in township number one hundred and thirteen (113) of range number twenty-three (23), in the county of Scott and state of Minnesota, be and the same is hereby detached from said independent school district number seventy-three (73) and attached and made part of common school district number sixty-two (62), in said county and state aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

**CHAPTER 314.**

[H. F. No. 56.]

AN ACT TO ATTACH CERTAIN TERRITORY TO INDEPENDENT SCHOOL DISTRICT NUMBER SEVENTY-THREE (73), COMPOSED OF THE TERRITORY SITUATED IN SCOTT AND LE SUEUR COUNTIES AND STATE OF MINNESOTA, AND DETACH THE SAME FROM COMMON SCHOOL DISTRICT NUMBER FORTY-FIVE (45), IN SAID LE SUEUR COUNTY AND STATE AFORESAID.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the north half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section number five (5), in township number one hundred and twelve (112) north of range number twenty-three (23) west, be and the same is hereby attached and made part of independent school district number seventy-three (73) and detached from said common school district number forty-five (45), in said county of Le Sueur and state aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

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**CHAPTER 315**

[H. F. No. 238.]

AN ACT TO DETACH A PORTION OF SCHOOL DISTRICTS FORTY-THREE (43) AND ONE HUNDRED AND THIRTY-NINE (139) AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER FORTY-FIVE (45), IN STEARNS COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the northeast quarter ( $\frac{1}{4}$ ) of section thirty (30), in township one hundred and twenty-three (123) of range thirty-two (32), be detached from school district one hundred and thirty-nine (139) and attached to school district number forty-five (45) of Stearns county, and east half ( $\frac{1}{2}$ ) of section number thirty-four (34), in said township and range, and the east half ( $\frac{1}{2}$ ) of section three (3), in township one hundred and twenty-two (122), range thirty-two (32), be detached from district number forty-three (43), and attached to said district number forty-five (45).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.



**CHAPTER 316.**

[S. F. No. 176.]

AN ACT TO DETACH A PORTION OF SCHOOL DISTRICTS FORTY-THREE (43) AND ONE HUNDRED AND THIRTY-NINE (139) AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER FORTY-FIVE (45), IN STEARNS COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the northeast quarter ( $\frac{1}{4}$ ) of section thirty (30), in township one hundred and twenty-three (123) north of range thirty-two (32), be detached from school district one hundred and thirty-nine (139) and attached to school district number forty-five (45) of Stearns county, and the east half ( $\frac{1}{2}$ ) of section number thirty-four (34), in said township and range, and the east half ( $\frac{1}{2}$ ) of section three (3), in township one hundred and twenty-two (122), range thirty-two (32), be detached from district number forty-three (43) and be attached to said district number forty-five (45).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

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**CHAPTER 317.**

[H. F. No. 964.]

AN ACT TO AUTHORIZE THE BOARD OF SCHOOL DISTRICT NUMBER ONE HUNDRED AND TWO (102), IN THE COUNTY OF STEARNS, THIS STATE, TO APPROPRIATE THE SUM OF FIVE HUNDRED (500) DOLLARS TO AID IN BUILDING A DWELLING HOUSE FOR ITS SCHOOL TEACHER.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of school district number one hundred and two (102), county of Stearns, this state, be and is hereby authorized to appropriate the sum of five hundred (500) dollars, out of any moneys belonging to said school district, to aid in building a dwelling house for its school teacher.

SEC. 2. No such moneys shall be paid out by said board for such purpose unless the same shall have been first voted for by a majority of the legal voters of said school district present and voting at any annual election, or at a special school district election held for that purpose, in the notices of which the object for which the election was called shall be particularly specified, and the notices of which shall have been posted in at least three (3) public places in said school district for at least ten (10) days previous to such special election.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

## CHAPTER 318.

[H. F. No. 465.]

AN ACT TO LEGALIZE THE ORGANIZATION OF COMMON SCHOOL DISTRICT NUMBER ONE HUNDRED AND FIFTY-THREE (153), STEARNS COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The organization of school district number one hundred and fifty-three (153) of Stearns county, state of Minnesota, is hereby in all respects legalized, and said common school district number one hundred and fifty-three (153) of Stearns county, as the organization thereof is hereby legalized, is declared to embrace the following described territory: All of sections twenty (20), twenty-nine (29), thirty-one (31), thirty-two (32) and the west half ( $\frac{1}{2}$ ) of thirty-three (33), the west half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section twenty-eight (28), the east half ( $\frac{1}{2}$ ) of section nineteen (19), the east half ( $\frac{1}{2}$ ) of section number thirty (30), the southwest quarter ( $\frac{1}{4}$ ) of section thirty (30), in township number one hundred and twenty-three (123), range number twenty-seven (27), and sections five (5) and six (6), and the west half ( $\frac{1}{2}$ ) of section four (4), in town one hundred and twenty-two (122), range twenty-seven (27) west, and northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section twenty-five (25), town one hundred and twenty-three (123), range twenty-eight (28), situate, lying and being in said county of Stearns, state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved April 11, 1891.

## CHAPTER 319

[S. F. No. 878.]

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND TEN (510) OF THE SPECIAL LAWS OF MINNESOTA FOR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), AUTHORIZING THE ST. CLOUD SCHOOL DISTRICT TO ISSUE BONDS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section eleven (11) of Chapter five hundred and ten (510) of the Special Laws of Minnesota for eighteen hundred and eighty-nine (1889) be amended by striking out the word, "thirty-five" and inserting in lieu thereof the word, "forty-five," wherever the same occurs, and striking out the figures "35,000," and inserting "45,000," wherever the same occur therein.

SEC. 2. This act shall take effect and be in force from and after April first (1st), eighteen hundred and ninety-two (1892).

Approved April 20, 1891.

## CHAPTER 320.

[H. F. No. 410.]

AN ACT TO AUTHORIZE THE ORGANIZATION OF A NEW SCHOOL DISTRICT OUT OF A PORTION OF SCHOOL DISTRICTS NUMBERED TWENTY-SEVEN (27) AND TWENTY-NINE (29), IN THE COUNTY OF TRAVERSE, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the legal voters of that portion of school districts numbered twenty-seven (27) and twenty-nine (29), in the county of Traverse, within the following boundaries, viz.: Sections numbered four (4), five (5), six (6), seven (7), eight (8), nine (9), sixteen (16), seventeen (17), eighteen (18), and the west half ( $\frac{1}{2}$ ) of section three (3), the west half ( $\frac{1}{2}$ ) of section ten (10) and the west half ( $\frac{1}{2}$ ) of section fifteen (15), all in town one hundred and twenty-nine (129), in range forty-six (46), are hereby authorized to organize a school district to be numbered by the county auditor of said county. The said district to comprise and embrace the territory above designated, and the same to be organized in the manner prescribed by the general laws of the state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 321.

[H. F. No. 1016.]

AN ACT TO DETACH THE NORTHWEST QUARTER ( $\frac{1}{4}$ ) OF SECTION EIGHTEEN (18), IN TOWNSHIP ONE HUNDRED AND TWENTY-SIX (126), RANGE NUMBER FORTY-SIX (46), FROM SCHOOL DISTRICT NUMBER FORTY-TWO (42), IN TRAVERSE COUNTY, AND TO ATTACH THE SAME TO SCHOOL DISTRICT NUMBER EIGHTEEN (18) IN THE SAME COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the northwest quarter ( $\frac{1}{4}$ ) of section eighteen (18) of township one hundred and twenty-six (126), range number forty-six (46), be and the same is hereby detached from school district number forty-two (42), in Traverse county, and attached to school district number eighteen (18), in said Traverse county.

SEC. 2. This act shall take effect and be in force from and after its district passage.

Approved April 20, 1891.

## CHAPTER 322.

[H. F. No. 387.]

**AN ACT TO AUTHORIZE THE ORGANIZATION OF A NEW SCHOOL DISTRICT OUT OF A PORTION OF INDEPENDENT SCHOOL DISTRICT OF LONG PRAIRIE, NUMBER ELEVEN (11), AND TERRITORY CONTIGUOUS THERETO IN THE COUNTY OF TODD.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the legal voters of that portion of independent school district of Long Prairie, number eleven (11), in the county of Todd, within the following territory and boundaries, viz., all of sections four (4) and five (5), the east half ( $\frac{1}{2}$ ) and the northwest quarter ( $\frac{1}{4}$ ) of section six (6) and the northeast quarter ( $\frac{1}{4}$ ) of section nine (9), all in township one hundred and twenty-nine (129), range thirty-three (33), and the legal voters of territory contiguous thereto lying and being in said Todd county, outside of and exclusive of said independent school district number eleven (11), are hereby authorized to organize a school district, to be numbered by the county auditor of said county, the said district to comprise and embrace the territory above particularly described and territory contiguous thereto as aforesaid, and the same to be organized upon petition to the county commissioners of said county in the manner prescribed by the general laws of the state.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 323.

[H. F. No. 139.]

**AN ACT TO AMEND "AN ACT IN RELATION TO PUBLIC SCHOOLS IN THE CITY OF LAKE CITY," APPROVED FEBRUARY SIXTEEN (16), EIGHTEEN HUNDRED AND SEVENTY-SEVEN (1877).**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section eight (8) of Chapter one hundred and four (104) of the Special Laws of the year one thousand eight hundred and seventy-seven (1877) be amended by striking out the word "five" (5), in the tenth (10th) line thereof, and inserting the word "four" (4) in lieu thereof.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 324.

[S. F. No. 38.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SCHOOL DISTRICT NUMBER THIRTY-SEVEN (37), IN THE COUNTY OF WABASHA, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER NINETY-EIGHT (98) IN THE SAME COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the northwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section number eleven (11), town one hundred and nine (109), range eleven (11), at present constituting a part of school district number thirty-seven (37), in the county of Wabasha, be and the same is hereby detached from said school district number thirty-seven (37) and attached to and made a part of school district number ninety-eight (98) in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1891.

## CHAPTER 325.

[H. F. No. 597.]

AN ACT TO DETACH CERTAIN TERRITORY FROM SCHOOL DISTRICT NUMBER SIXTY-FOUR (64), IN WABASHA COUNTY, MINNESOTA, AND ATTACH THE SAME TO SCHOOL DISTRICT NUMBER FIFTY-EIGHT (58) IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the northwest quarter ( $\frac{1}{4}$ ), the west one-half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the southeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section number eight (8), township one hundred and nine (109), range eleven (11), heretofore forming a part of school district number sixty-four (64), be and the same is hereby detached from said school district number sixty-four (64) and attached to school district number fifty-eight (58) in said county.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved March 30, 1891.

## CHAPTER 326.

[H. F. No. 596.]

AN ACT TO CREATE A SCHOOL DISTRICT OUT OF CERTAIN TERRITORY IN WABASHA COUNTY AND TO PROVIDE FOR DISTRIBUTION OF SCHOOL FUNDS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That sections twenty-five (25), thirty-five (35), thirty-six (36), the southeast quarter ( $\frac{1}{4}$ ) of section twenty-six (26) and the southeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section twenty-six (26), all in township one hundred and nine (109), range ten (10) of Wabasha county, Minnesota, be and the same is hereby constituted a school district for all common school purposes whatsoever, and to be known hereafter as school district number thirty-six and one-half ( $36\frac{1}{2}$ ); *Provided*, that the new district hereby created shall be held and remain liable for its just proportion of all indebtedness of the districts of which it is formed, and shall be entitled to its proportionate part of all funds in the treasuries of said districts belonging to the same, not required to pay such indebtedness.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 327.

[H. F. No. 1243.]

AN ACT TO DETACH CERTAIN LANDS IN WASECA COUNTY, MINNESOTA, FROM SCHOOL DISTRICT NUMBER TWENTY-NINE (29) AND TO ATTACH SAME TO SCHOOL DISTRICT NUMBER SEVENTY-SIX (76).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the east one-half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section thirty-five (35) and all that portion of land south of the Winona & St. Peter railroad in the west one-half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of said section thirty-five (35), in township one hundred eight (108), range twenty-four (24), be and is hereby detached from school district number twenty-nine (29) and attached to school district number seventy-six (76), in the village of Janesville, county of Waseca and state of Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

## CHAPTER 328.

[H. F. No. 89.]

AN ACT TO ORGANIZE, LEGALIZE, CONFIRM AND ESTABLISH THE INDEPENDENT SCHOOL DISTRICT OF ST. PAUL PARK, AND THE INDEPENDENT SCHOOL DISTRICT OF NEWPORT, IN WASHINGTON COUNTY, MINNESOTA, AND TO FIX THE RESPECTIVE BOUNDARIES, PROPERTY RIGHTS AND LIABILITIES OF EACH OF SAID DISTRICTS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the territory embraced within the boundaries of the village of Newport, in Washington county, Minnesota, and more particularly described as follows, to-wit: Commencing at the northeast corner of section twenty-five (25), township twenty-eight (28), range twenty-two (22), in Washington county, Minnesota, and running thence south two and one-fourth ( $2\frac{1}{4}$ ) miles to the southeast corner of the northeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section one (1), in township twenty-seven (27), range twenty-two (22) west; thence running west about one and one-fourth ( $1\frac{1}{4}$ ) miles to the west boundary of said Washington county, Minnesota; thence northerly about two and one-fourth ( $2\frac{1}{4}$ ) miles along the west boundary of said Washington county, Minnesota, to the north line of section twenty-six (26), in township twenty-eight (28), range twenty-two (22) aforesaid; thence east about one and three-fourths ( $1\frac{3}{4}$ ) miles to the place of beginning, is hereby created and made an independent school district, to be known as independent school district of Newport, Washington county, Minnesota, with all the powers, rights, duties, privileges and immunities that now are or shall hereafter be conferred upon independent school districts by the general laws of the state of Minnesota; *Provided, however,* that until the next annual school election, and until their successors shall be elected and qualified, James H. Huganin, Frank M. James, Henry A. Durand, Charles Borene, William Moore and Charles H. Schabacker shall act as and be the board of education of said district, with the same powers and duties as boards of education of independent school districts under the general laws of the state.

SEC. 2. The levy of twelve hundred dollars (\$1,200) for school taxes made in the year A. D. one thousand eight hundred and eighty-nine (1889), upon the taxable property in said village by William Fowler, William Moore, James H. Huganin, Henry A. Durand, Harry W. Schnittger and Henry C. Monroe, claiming to act as a board of education for the independent school district of the village of Newport, is hereby legalized and made valid, and all moneys heretofore or hereafter coming into the treasury of said Washington county from such levy shall be paid to the treasurer of the district in section one (1) created.

SEC. 3. All the public school property, whether real or personal, situated within the boundaries of said district created in section one (1), and especially that certain tract of land situated in said county of Washington and state of Minnesota, and known and described as follows, to-wit: Block seventeen (17) of Brown's addition to New-

port, according to the recorded plat thereof on file and of record in the office of the register of deeds in and for said Washington county, Minnesota, together with the buildings thereon and the appurtenances thereunto belonging, are hereby granted and conveyed to and the title thereto vested in the said independent school district of Newport, Washington county, Minnesota, its successors and assigns forever.

SEC. 4. The obligation is hereby imposed upon said district to pay eight thousand dollars (\$8,000) of bonds issued by common school district number thirty-six (36), Washington county, Minnesota, and now outstanding, except the interest becoming due in A. D. one thousand eight hundred and ninety-one (1891).

SEC. 5. The organization of common school district number thirty-six (36), Washington county, Minnesota, into an independent school district, at an election holden on the second (2d) day of August, A. D. one thousand eight hundred and eighty-nine (1889), is hereby legalized and made valid from said date, and said independent school district shall hereafter be known as the independent school district of St. Paul Park, and shall hereafter embrace all the territory that was included in said common school district on the second (2d) day of August, A. D. one thousand eight hundred and eighty-nine (1889), except that portion thereof now included within the village of Newport, more particularly described in section one (1) of this act.

SEC. 6. All school taxes levied in A. D. one thousand eight hundred and ninety (1890), and prior years, other than the taxes and moneys mentioned in section two (2) of this act, now on hand or hereafter collected from the property within the limits of both said districts, shall belong to said independent school district of St. Paul Park and be paid to its treasurer.

SEC. 7. All the public school property, whether real or personal, situated within the territory which it is provided by section five (5) of this act shall hereafter be embraced within the limits of the independent school district of St. Paul Park, and especially that certain tract of land situated in Washington county and state of Minnesota, and described as follows, to-wit: lots one (1) to eight (8) inclusive, of block seventy-six (76), in division number two (2) of St. Paul Park, according to the recorded plat thereof on file and of record in the office of the register of deeds in and for said Washington county, together with the buildings thereon and the appurtenances thereunto belonging, are hereby granted and conveyed to and the title thereto vested in said independent school district of St. Paul Park, its successors and assigns, forever.

SEC. 8. The obligation is hereby imposed upon said independent school district of St. Paul Park to pay all the obligations of said common school district number thirty-six (36), Washington county, Minnesota, and of the independent school district of St. Paul Park, except those imposed upon the independent school district of Newport, Washington county, Minnesota, by section four (4) of this act, except that each of said districts shall pay all the expenses of conducting the public schools within its limits from and after January first (1st), A. D. one thousand eight hundred and ninety-one (1891).

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.



## CHAPTER 329.

[H. F. No. 178.]

AN ACT TO ANNEX CERTAIN TERRITORY TO THE INDEPENDENT SCHOOL DISTRICT OF ST. PAUL PARK, IN THE COUNTY OF WASHINGTON AND STATE OF MINNESOTA (FORMERLY COMMON SCHOOL DISTRICT NUMBER THIRTY-SIX (36), IN SAID COUNTY OF WASHINGTON).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the southeast quarter ( $\frac{1}{4}$ ) of section thirty-one (31), in town twenty-eight (28), range twenty-one (21), the south half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section six (6), the west half ( $\frac{1}{2}$ ) of section seven (7), the west half ( $\frac{1}{2}$ ) of section eighteen (18), all of which said lands are in town twenty-seven (27), range twenty-one (21), in the county of Washington aforesaid, be and the same are hereby detached from common school district number fifty-three (53), in the county of Washington aforesaid, and attached to and made part of the independent school district of St. Paul Park (formerly common school district number thirty-six (36), of said county of Washington); and also, that the south half ( $\frac{1}{2}$ ) of section twelve (12), the whole of section thirteen (13), that portion of the southeast quarter ( $\frac{1}{4}$ ) of section eleven (11) east of the Mississippi river, and that portion of section fourteen (14) east of the Mississippi river, all of which said lands are in town twenty-seven (27), range twenty-two (22), in the county of Washington, be and the same are hereby detached from common school district number thirty-three (33), in the county of Washington aforesaid, and attached to and made part of the independent school district of St. Paul Park (formerly common school district number thirty-six (36) of said county of Washington), changing thereby the boundaries of said independent school district of St. Paul Park (formerly common school district number thirty-six (36), in said county of Washington), to include the said lands hereinbefore described.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

## CHAPTER 330.

[S. F. No. 504.]

## AN ACT CREATING A NEW SPECIAL SCHOOL DISTRICT IN WASHINGTON COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That a special school district and body corporate is hereby created, which shall be known as "School district number seventy-one (71), in the county of Washington," and as such shall have the same powers and be governed by the same laws as common school districts organized under the general laws of this state, and which shall include and consist of the southeast quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ), the east half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) and the west one-half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section number one (1); the east half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ), the northeast quarter ( $\frac{1}{4}$ ) and the south half ( $\frac{1}{2}$ ) of section number twelve (12); all of section number thirteen (13); the northeast quarter ( $\frac{1}{4}$ ) and the south one-half ( $\frac{1}{2}$ ) of section number fourteen (14); the southeast quarter ( $\frac{1}{4}$ ) of section number fifteen (15); all of sections number twenty-two (22), twenty-three (23) and twenty-four (24); the north half ( $\frac{1}{2}$ ) of section number twenty-five (25); the north half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the north half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section number twenty-six (26), and the northeast quarter ( $\frac{1}{4}$ ) of section number twenty-seven (27), all in township number twenty-nine (29) north of range number twenty-one (21) west, in Washington county, Minnesota.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 331.

[S. F. No. 433.]

## AN ACT TO CHANGE THE BOUNDARIES OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1), WATONWAN COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the south one-half ( $\frac{1}{2}$ ) of the southeast one-fourth ( $\frac{1}{4}$ ) of section nine (9) of township one hundred and seven (107), range thirty (30), be and the same is hereby detached from school district number three (3) of said county, and attached to and made part of independent school district number one (1) of said county of Watonwan.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

## CHAPTER 332.

[S. F. No. 591.]

AN ACT TO AMEND "AN ACT FOR THE ESTABLISHMENT AND REGULATION OF THE PUBLIC SCHOOLS IN THE CITY OF WINONA," APPROVED MARCH SIXTH (6TH), EIGHTEEN HUNDRED AND SEVENTY-EIGHT (1878), AND SEVERAL ACTS AMENDATORY THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of an act entitled an act for the establishment and regulation of the public schools in the city of Winona, approved March six (6), eighteen hundred and seventy-eight (1878), and all acts amendatory thereof, be and the same is hereby amended so as to read as follows:

"Sec. 2. The board of education shall consist of two (2) directors from each ward of said city, who shall be actual residents of such ward, and elected by the qualified voters therein, and one (1) director at large, who shall be a resident of said city, and elected by the qualified voters therein. At the regular city election to be held on the first (1st) Monday in April, one thousand eight hundred and ninety-three (1893), and on that day biennially thereafter, there shall be elected by the voters of each ward in said city, one (1) director, whose term of office shall begin on the third (3d) Monday in April in the year of his election and continue for four (4) years and until his successor shall be elected and qualified; and on the first (1st) Monday in April, one thousand eight hundred and ninety-three (1893), and biennially thereafter, there shall be elected by the voters of the entire city one (1) director at large, whose term of office shall begin on the third (3d) Monday in April in the year of his election and continue two (2) years and until his successor shall be elected and qualified. Each of the persons so elected shall, before entering upon his office, take, subscribe and file with the clerk of the board of education an oath to support the constitution of the United States and the constitution of this state, and to faithfully discharge the duties of his office; *Provided*, that the term of office of all directors who are elected for a term expiring on the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-two (1892), shall continue to and expire on the third (3d) Monday in April, one thousand eight hundred and ninety-three (1893), or as soon thereafter as their successors shall qualify, and that the term of office of all the directors who are elected for a term expiring on the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-three (1893), shall continue to and expire on the third (3d) Monday in April, A. D. one thousand eight hundred and ninety-five (1895), or as soon thereafter as their successors shall qualify."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 333.

[H. F. No. 846.]

AN ACT TO ABOLISH INDEPENDENT SCHOOL DISTRICT NUMBER EIGHTY-THREE (83), IN THE COUNTY OF WINONA, MINNESOTA, AND TO TRANSFER ITS PROPERTY TO THE SCHOOL DISTRICT OF THE CITY OF WINONA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the independent school district number eighty-three (83) of the county of Winona, in the state of Minnesota, be and the same is hereby abolished.

SEC. 2. That upon the passage of this act, the title to all real property now owned and held in the said city of Winona by said district number eighty-three (83) shall vest in the city of Winona, in the county of Winona and state of Minnesota, and said real property, and all school funds and other school property of said district, shall belong to said city of Winona, for the use of the common schools of said city. That the treasurer of said district is hereby authorized, empowered and directed to turn over and deliver to the treasurer of the said city of Winona all school funds in his hands or under his control belonging to said district, and shall account to said treasurer of the said city of Winona for all moneys received by him as such treasurer and not disbursed for school purposes as provided by law; that the county treasurer of said county of Winona is hereby authorized and directed to pay over and deliver to the treasurer of said city of Winona, upon orders of the county auditor, hereby authorized to be issued by said auditor to said treasurer of the said city of Winona, all moneys in his hands due said district number eighty-three (83), and all moneys which may hereafter be received by him for said district; all moneys so received by the city treasurer of said city of Winona shall be placed by him to the credit of the general city school fund of said city; and all other school property of said district shall be delivered to the board of education of said city of Winona upon demand.

SEC. 3. That all persons between the ages of five (5) and twenty-one (21) years residing on the northeast quarter ( $\frac{1}{4}$ ) of section two (2), township one hundred and six (106) north, in range seven (7) west, and on the south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section thirty-four (34), and the southwest quarter ( $\frac{1}{4}$ ) of section thirty-five (35), township one hundred and seven (107) north, in range seven (7) west, shall have the privilege of attending any of the schools in the city of Winona until the first (1st) day of January, one thousand eight hundred and ninety-seven (1897), without payment of tuition.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 334.

[H. F. No. 1041.]

AN ACT TO PROVIDE FOR THE PAYMENT OF THE SALARY OF THE JUDGE OF PROBATE OF THE COUNTY OF AITKIN, IN THIS STATE, AND TO FIX THE AMOUNT THEREOF.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the salary of the judge of probate for the county of Aitkin, in this state, be and the same is hereby fixed at the sum of three hundred dollars (\$300) per annum, payable monthly, in equal monthly payments, from the revenue fund in the treasury of said county. The auditor of said Aitkin county is hereby authorized and required to draw his warrant on the treasurer of said county in favor of said judge of probate for the amount of such monthly payment on the first (1st) Monday of each month, payable out of the revenue fund.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 335.

[H. F. No. 349.]

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF AITKIN, IN THIS STATE, TO EMPLOY COUNSEL FOR THE PROSECUTION OR DEFENSE OF CERTAIN TAX CASES AND TO PROVIDE FOR THE PAYMENT OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of county commissioners of the county of Aitkin, in this state, are hereby authorized to employ counsel or other legal services for the prosecution and defense of any and all tax cases which are now or may hereafter be instituted for and in behalf or against said county. Such services to be in addition to the services of the county attorney in said county, and they may, in their discretion, authorize said counsel so employed to take and have full control of such cases.

SEC. 2. Said county commissioners are hereby authorized to pay to said counsel so employed such sums as shall be just and reasonable compensation for the services rendered, which shall be paid out of the county revenue fund of said county; *Provided*, that the authority

hereby granted shall not continue for more than two (2) years from and after the first (1st) day of January, one thousand eight hundred and ninety-one (1891).

SEC. 3. This act shall take effect from and after its passage.

Approved February 27, 1891.

## CHAPTER 336.

[S. F. No. 651.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ANOKA COUNTY TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A BRIDGE ACROSS RUM RIVER ON THE LINE BETWEEN TOWNSHIP THIRTY-TWO (32), RANGE TWENTY-FOUR (24), AND TOWNSHIP THIRTY-TWO (32), RANGE TWENTY-FIVE (25), IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of the county of Anoka, in the state of Minnesota, are hereby authorized and empowered to issue the bonds of the said county of Anoka, to an amount not to exceed three thousand dollars (\$3,000), with interest coupons attached, for the purpose of constructing a bridge across Rum river on the line between section six (6), township thirty-two (32), range twenty-four (24), and section one (1), township thirty-two (32), range twenty-five (25), in said Anoka county.

SEC. 2. The said bonds shall be of a denomination of not less than one hundred dollars (\$100), and not more than five hundred dollars (\$500), with interest coupons attached, and shall bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, at such place as the said board of county commissioners may by resolution designate. Said bonds shall become due and payable ten (10) years from the date of the issue of said bonds.

SEC. 3. The bonds and interest coupons attached, issued under the provisions of this act, shall be signed by the chairman of the board of county commissioners of said Anoka county, and attested by the auditor of said county and sealed with his official seal. The auditor of said county of Anoka shall keep a record of all the bonds issued under the provisions of this act, which record shall show the date, number and amount of each bond, the rate of interest, the time when due, the place where payable and the name of the party or parties to whom issued.

SEC. 4. The board of county commissioners of said Anoka county shall, annually, levy a tax upon the taxable property of said county, in addition to all other taxes levied, sufficient to pay the interest accruing yearly upon the bonds issued in pursuance to this act, and when the principal is about to become due they shall in like manner levy a sufficient amount of taxes to pay such principal sum when due.

SEC. 5. The board of county commissioners of said Anoka county shall have authority to negotiate said bonds, but they shall not negotiate them for less than their par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.

## CHAPTER 337.

[S. F. No. 477.]

AN ACT TO ENABLE THE OWNERS OF LAND TO LAY OUT AND CONSTRUCT PUBLIC ROADS, AND PRESCRIBING THE POWERS AND DUTIES OF THE COUNTY COMMISSIONERS AND OTHER OFFICERS IN THE PREMISES, AND WHERE A ROAD IS CONSTRUCTED UNDER THIS ACT PROVIDING FOR THE DRAINAGE OF THE SAME AND KEEPING IT IN REPAIR, RELATING ONLY TO THE COUNTY OF ANOKA, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of county commissioners of the county of Anoka shall have the power, at any session, when they shall deem the same of public benefit or utility, to cause to be constructed, as hereinafter provided, any road within said county.

SEC. 2. That before the board of county commissioners shall establish any road there shall be filed with the auditor of said county a petition, signed by the owner or owners of more than half of the land which would be liable to be assessed for the expense of the construction of the same, giving a general description of the proposed starting point, route and terminus of said road, and one (1) or more of such petitioners shall give a bond, with good and sufficient freehold sureties, payable to the county, to be approved by the auditor, conditioned to pay all expenses in case the board of commissioners shall fail to establish said proposed road. It shall be the duty of the board of commissioners at their first general or special meeting held after such petition shall have been filed with the auditor, to appoint one (1) of their number, together with two (2) resident freeholders of said county not interested in the construction of the proposed road and not of kin to any parties interested therein, as viewers, and also a competent civil engineer to survey said proposed line of road as herein provided.

SEC. 3. The auditor shall thereupon issue to said viewers a certified copy of said petition and the order appointing them as viewers, and they shall proceed, with the engineer appointed as provided in the preceding section, to make a complete survey of the line of the proposed road, and any ditch or ditches or drains they may deem necessary to the complete drainage of the roadbed of said road, which said ditch or ditches or drains may run along or away from said road, to connect with any other ditch or ditches or drains already constructed or into any watercourse. And they shall set stakes or monuments at each one hundred (100) feet on the line of such road and said ditch or ditches and make an estimate of the number of cubic yards to be excavated from said road and ditch or ditches and the number of cubic yards to be placed on the said road, and in each case the estimated cost thereof. They shall also specify the width on the top and at the bottom of the embankment or excavation and the depth of cut or fill, as the case may be, at each one hundred (100) foot stake along the line of such road or said ditch or ditches, and they shall re

port all lands actually damaged by such road and ditch or ditches, and exact amount of damages to each tract, giving a description thereof, and the names of the owners in so far as they can; and also, a description of all lands benefited by said road or ditch or ditches lying within one (1) mile of the centre of said road, and the exact amount that each of said tracts of land will be benefited; and they shall make an estimate of the entire cost of the construction of such road and ditch or ditches as herein provided, and of the damage caused thereby as by them estimated, and make a full report, within thirty (30) days after the appointment of said viewers, of such cost and damages and furnish an itemized account of their expenses, and file the same, with any recommendation they may deem pertinent, with the county auditor, at least thirty (30) days before the next regular or special session of said board of commissioners.

SEC. 4. Such road shall be at least four (4) rods wide, and the central portion thereof shall, when necessary to make a good road, be turnpiked and drained in such manner as the viewers and engineers may determine and recommend.

SEC. 5. Such road may run across or over any other road already constructed, or upon same for any distance, when necessary.

SEC. 6. When the auditor receives such report he shall set a time for hearing said petition and report, which shall be at the next regular or special session of said board of commissioners, held not less than thirty (30) days after the filing of said report; and it shall be the duty of the auditor to cause a notice to be given, by publication for three (3) successive weeks in a newspaper printed and published in said county and by posting printed copies thereof in three (3) public places in each township where the proposed road is located and one (1) at the front door of the court house in said county, of the hearing of said petition and report, and of the time set for the hearing thereof, which notice shall briefly state where such road commenced, its route and terminus, together with the names of the owners of lands lying within one (1) mile from the centre of such proposed road on either side thereof, and the names of owners of land benefited by any ditch or drain which said viewers and engineer report necessary to make (said names of owners in both cases to be the same as appears in the county tax duplicate of said county) and a description of the land damaged by said road or ditches, as appears in the viewers' report; *Provided, however,* that when the owner or owners of seven-eighths ( $\frac{7}{8}$ ) or more of the lands which would be assessed for the construction of a road, petition the county commissioners, giving a general description of the proposed starting point, route and terminus of said road, and setting forth in the petition that they are willing to have their land assessed for the entire expense of constructing said road and necessary ditches, and shall file a bond, as provided in section two (2) of this act; whereupon the county commissioners shall, at their first (1st) session thereafter, appoint one (1) of their number, together with a competent civil engineer, to survey said proposed road, ditch or ditches in accordance with the provisions of section three (3) of this act, except that they shall make their report forthwith to the county commissioners, assessing all benefits to the land owned by petitioners, and they shall be deemed to be the only lands liable to taxation under the provisions of section fourteen (14) of this act. After hearing said report the county commissioners may estab-



lish said road, ditch or ditches, and may, in their discretion, either advertise and let the work as provided in section ten (10) of this act, or let the same to the petitioner or petitioners for said road, to be constructed at such reasonable price as the said commissioners shall determine.

The provisions of sections four (4), five (5) nine (9), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19) of this act shall apply to any road or ditch constructed as provided in this section.

SEC. 7. If upon said hearing the board of commissioners find such proposed road will be a public benefit or convenience and practicable, they may, in their discretion, establish the same as specified in said viewers' report, and said commissioners may at said hearing modify the report of the viewers as to benefit assessed or damages allowed, increasing or diminishing the same, or review any other matter connected therewith and call witnesses or view the premises at their option.

SEC. 8. Any person or corporation aggrieved may appeal from any final order or judgment of the board of commissioners made in the proceedings and entered upon their record determining either of the following matters, viz.:

*First*—The amount of damages allowed to any person or corporation.

*Second*—Whether where ditches are constructed the estimated benefit to each tract of land is greater than the actual benefits to be derived therefrom.

Said appeal shall be taken and prosecuted in the manner provided for appeals under the general drainage law of eighteen hundred and eighty-seven (1887), being Chapter ninety-seven (97) of the Laws of eighteen hundred and eighty-seven (1887), so far as the same may be applicable.

SEC. 9. When damages are awarded to any person or persons or corporation, as provided by this act, the board of commissioners shall order the same to be paid out of the county treasury, on warrants to be issued to the person or persons or the corporations entitled thereto, and to be dated and become due and payable immediately after the letting of the contracts by the auditor, as hereinafter provided. And in case the proceeding had in relation to the laying out or establishing such road shall be declared void and such proceedings set aside and vacated by the judgment of any court prior to the letting of the contract by said auditor, all such warrants shall thereupon become null and void and shall be returned to the auditor for cancellation.

SEC. 10. When said road is established and damages settled, the auditor shall at once advertise for bids for constructing said road, and any ditch or ditches or drains which may be necessary to drain said road (which said ditch or ditches or drains may run along or away from said road to connect with any other ditch or ditches already constructed, or into any watercourse), in sections of one-half ( $\frac{1}{2}$ ) mile or less, as the commissioners may order, in some newspaper printed and published in said county, for three (3) consecutive weeks; and shall, within thirty (30) days from the time said road is finally established, let said work to the lowest bidder who can furnish good and sufficient bond, in double the amount of his bid, which bond shall be conditioned to pay all damages sustained if said work is not done as

specified or within the time specified, which time shall be as short as practicable to insure good work, and shall be determined by the commissioners in their order establishing said road, and shall contract in the name of the county, and said bond shall be given to said county.

**SEC. 11.** It shall be the duty of the county surveyor and one (1) member of the board of county commissioners, to be designated by said board on being notified by contractor that his contract is completed, to thoroughly inspect the work done under said contract; and if they find it completed according to contract and the specifications therefor, they shall accept it and give to the contractor a certificate of acceptance briefly describing said road, so said contract can be identified; and upon presentation and surrender of such certificate by said contractor to the auditor, the said auditor shall draw an order on the county treasurer of said county for the full amount of the contract price for said work; and all such orders so drawn shall be paid out of the fund to be provided therefor by the said board of commissioners as herein-after specified, and said order shall become due and payable out of said fund at once; and if there shall be no cash in said fund to pay for said orders when the same are presented, the county treasurer shall indorse on said orders "Not paid for want of funds," and date and sign such indorsement, and the amount of said order shall draw interest at the rate of six (6) per cent per annum until called in by said treasurer.

**SEC. 12.** The surveyor or engineer shall receive the sum of four (4) dollars per day for every day he is necessarily engaged in performing the duties required of him by this act; the viewers shall receive three (3) dollars per day for each and every day they are necessarily engaged in performing the duties required of them, and they shall hire such help as is necessary in performing their duties, at reasonable prices; the county auditor of Anoka county shall receive compensation for his services under this act, as the board of county commissioners shall determine, and such compensation shall be in addition to all sums allowed by law at the time of the passage of this act.

The fees and compensation provided for in this act shall be audited, examined, allowed and paid upon the order of the board of county commissioners.

**SEC. 13.** The board of county commissioners are hereby authorized to issue bonds of said county in such sums only as may be necessary to defray the expense incurred in locating, establishing and constructing any road and ditch under this act, said word "expenses" to be construed to mean and cover every item of cost of such road and ditch or ditches from its inception to its completion, and said county to be reimbursed as hereinafter provided. Said bonds may be issued as soon as said expenses can be ascertained, and shall bear interest at a rate not exceeding six (6) per cent, and shall be payable on or before ten (10) years, at the option of said board of commissioners. The said board shall have the power to sell said bonds as they shall deem best for the interest of said county; *Provided*, that they shall not sell the same at less than par value. As soon as said bonds are sold they shall order the treasurer to pay all outstanding orders issued in pursuance of this act out of the funds received from the sale of said bonds, and said commissioners are hereby authorized and empowered to transfer from such fund to the general fund of said county all money paid out by said treasurer for damages awarded under this

act and all other sums allowed by this act in locating and establishing such road, ditch or ditches, if any; and said commissioners are also empowered to transfer from said general fund any surplus money that may be in such general fund, sufficient to pay said damages and expenses of locating and establishing such road and ditch or ditches, if any.

SEC. 14. At the next assessment of taxes after any bonds are issued in pursuance of this act, the county commissioners shall, for the purpose of paying said bonds, levy a tax on all lands lying within one (1) mile from the centre of said road, except what is actually damaged by such road, and all lands benefited by any ditch or ditches made under this law in proportion to the benefits assessed by said viewers, equal to one-tenth ( $\frac{1}{10}$ ) the amount of said bonds and one (1) year's interest thereon, which tax shall be collected as other county taxes are collected; and each succeeding year a tax equal to one-tenth ( $\frac{1}{10}$ ) of the amount of said bonds and one (1) year's interest shall be levied and collected in like manner, until said bonds and the interest thereon are fully paid.

SEC. 15. No error or omission in proceedings under this act not affecting substantial justice shall affect the validity thereof.

SEC. 16. No defect in this act, and no error or omission in any proceedings had thereunder, shall in any way affect the validity of any tax that may be assessed or levied in accordance with the provisions of this act.

SEC. 17. When any road is constructed under this act it shall be kept in repair as any township or county road is kept in repair.

SEC. 18. This act shall apply to Anoka county only.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 338.

[S. F. No. 424.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BECKER COUNTY TO ISSUE BONDS TO FUND ITS FLOATING DEBT.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of county commissioners of Becker county be and is hereby authorized to issue and negotiate, at not less than their par value, coupon bonds, in an amount not exceeding sixteen thousand (\$16,000) dollars, to fund the floating indebtedness of the county. Said bonds shall be signed by the chairman of said county commissioners and attested by the auditor of said county and sealed with his official seal. They shall be of the denomination of one thousand (\$1,000) dollars each, and shall be payable, twenty (20) years after their date of issue, at the office of the county treasurer of said county, and shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually.

**SEC. 2.** The auditor of said county shall keep a record of said bonds, showing the name of the person to whom each bond is issued. The proper authorities of the county shall annually levy, in addition to all other taxes, an amount sufficient to pay the interest on the bonds so issued.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved March 27, 1891.

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## CHAPTER 339.

[S. F. No. 659.]

### AN ACT TO PRESCRIBE THE SALARY OF THE JUDGE OF PROBATE AND COUNTY ATTORNEY OF BELTRAMI COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The judge of probate and county attorney of Beltrami county shall each receive an annual salary of one hundred dollars (\$100), to be paid in monthly installments; and said sum shall be in lieu of all salary, fees and compensation for the services rendered by said respective officers; and no further or other compensation shall be received by either of said officers for any service rendered as judge of probate and county attorney of said Beltrami county.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 340.

[S. F. No. 757.]

### AN ACT TO AUTHORIZE THE SAUK RAPIDS IMPROVEMENT COMPANY TO CONSTRUCT A DAM ACROSS THE MISSISSIPPI RIVER AT THE VILLAGE OF SAUK RAPIDS, BENTON COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The Sauk Rapids Improvement Company is hereby authorized and empowered to construct and maintain a dam across the Mississippi river, with necessary booms, locks and water sluices, from any feasible point in the said village of Sauk Rapids, to a point on the opposite bank of said river; *Provided*, such dam shall be constructed with sufficient sluiceways to permit the passage down said river of logs and lumber and timber without unnecessary or unreasonable delay.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 27, 1891.

## CHAPTER 341.

[H. F. No. 253.]

AN ACT RELATING TO THE RUNNING AT LARGE OF CATTLE, HORSES, SHEEP, SWINE AND OTHER DOMESTIC ANIMALS, IN THE COUNTY OF BIG STONE, IN THE STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That it shall be unlawful for any person or persons to allow cattle, horses, sheep, swine or other domestic animals owned by such person or persons, or of which such person or persons have control or who may be in possession of the same, to run at large upon any of the public highways or upon the lands of any other person or persons, in the county of Big Stone, in the state of Minnesota, during any season of the year, unless they are carefully herded.

SEC. 2. The owner or owners, or any person or persons having control or having in possession any cattle, horses, sheep, swine or other domestic animals as aforesaid, shall be liable in an action at law for all damages done by such animals, without regard to any fence or the sufficiency of any fence or fences on the lands on which the damage is done.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 342.

[H. F. No. 761.]

AN ACT TO AUTHORIZE THE TOWNS OF GARDEN CITY AND VERNON CENTRE, IN THE COUNTY OF BLUE EARTH, TO ISSUE BONDS REFUNDING THEIR PRESENT BONDED INDEBTEDNESS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the towns of Garden City and Vernon Centre, in the county of Blue Earth, are hereby authorized to issue the bonds of said towns to refund their present bonded indebtedness, to the amount of not exceeding the present indebtedness of said towns, on account of bonds heretofore issued to aid in the construction of railroads pursuant to authority granted by Chapter one hundred fifty-three (153) of the Special Laws of Minnesota, approved March tenth (10th), one thousand eight hundred and seventy-three (1873).

SEC. 2. Said bonds may be issued in such denominations as the board of supervisors of each of said towns respectively shall deter-

mine, and may bear interest, payable annually, not exceeding seven (7) per cent per annum, and shall be made payable not more than ten (10) years from their date, in the discretion of said board of supervisors.

SEC. 3. For the purpose of paying principal and interest upon said bonds as the same shall become due, authority is hereby given, and it is hereby made the duty of the board of supervisors and their successors in office, on or before the first (1st) day of September in each year after the issue of said bonds and until the same are paid in full, principal and interest, to certify to the county auditor of said county a tax levy sufficient to liquidate the principal and interest becoming due on said bonds within the next year after such levy. The county auditor of said county is hereby authorized and required to extend said tax, so certified as aforesaid, upon the proper tax roll of his county; and said taxes shall be collected for said towns and paid over to the treasurer of said towns respectively, and shall be by him expended and applied in payment of said bonds and interest as the same may become due.

SEC. 4. No bonds shall be issued under this act by either of said towns until directed by a vote of the majority of the legal voters of each of said towns at their annual town meeting, or at a special town meeting duly called for the purpose of considering the question of issuing said bonds.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 343.

[S. F. No. 642.]

### AN ACT RELATING TO THE PUBLICATION OF PROBATE NOTICES IN THE COUNTY OF BLUE EARTH, IN THE STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That all notices and publications provided for in the probate code of this state, in cases where the proceedings are had in the probate court of the county of Blue Earth, in said state, shall be printed and published in the English language, in a newspaper printed and published in said county, once in each week for three (3) successive weeks.

SEC. 2. No general law hereafter passed shall be construed to modify or repeal the provisions of this act unless such modification or repeal is especially provided therein.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

## CHAPTER 344.

[H. F. No. 206.]

## AN ACT TO FIX THE SALARY OF THE PROBATE JUDGE OF THE COUNTY OF CARLTON.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the salary of the probate judge of the county of Carlton be and the same is hereby fixed at the sum of five hundred dollars (\$500) per annum, payable as the salaries of other county officers are now paid, and beginning from the year A. D. eighteen hundred and ninety-one (1891).

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 345.

[S. F. No. 193.]

## AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CARLTON COUNTY TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING AND BUILDING ROADS AND BRIDGES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of county commissioners of Carlton county are hereby authorized and empowered to issue the bonds of said county, to an amount not exceeding twenty-five thousand dollars (\$25,000), for the purpose of improving and building public roads and bridges within said county, and for no other purpose whatever.

SEC. 2. The said bonds shall be prepared under the direction of the board of county commissioners of said county, who shall determine the number and amount thereof; the bonds shall be signed by the chairman of the board of county commissioners of said county and attested by the county auditor, who shall affix the seal of said county thereto, and who shall keep a record thereof, in a book to be kept by him for that purpose, showing the date, number and amount of each bond, when and to whom issued, when and where payable and when redeemed; said bonds shall bear date on the day when the same are issued and shall become due and payable not less than ten (10) or more than twenty (20) years from date, and shall bear interest, at a rate not to exceed seven (7) per cent per annum, payable semi-annually; and the said bonds shall not be negotiated or sold for less than their par value.

**SEC. 3.** The county auditor of said county shall, at the time other taxes are levied in each year, subsequent to the issue of any bonds under the provisions of this chapter, levy upon the taxable property of said county an amount sufficient to pay the interest on said bonds as the same becomes due, and to provide a sinking fund for the redemption of said bonds; and the levy so made for the payment of the interest and principal of said bonds to be in lieu of all other taxes levied by said county for road and bridge purposes.

**SEC. 4.** The taxes collected shall be applied by the county treasurer of said county of Carlton as follows:

*First*—In the payment of the matured coupons of said bonds as presented, and said coupons when paid shall be by him canceled and transferred to the auditor of said county.

*Second*—The amount received from taxation in excess of the amount required to pay the interest of said bonds as the same becomes due shall be placed to the credit of a sinking fund for the redemption of the bonds issued under this act, and the said bonds, when paid by the treasurer, shall be by him canceled and transferred to the auditor of said county.

**SEC. 5.** The moneys raised under the provisions of this act shall be expended under the direction of the board of county commissioners of Carlton county, and there shall be expended so much of said sum as may be necessary to construct and put in good passable and substantial condition the county road as now surveyed and located through said county, from the county line of St. Louis county to the county line of Pine county, reserving, however, to the county commissioners of said Carlton county the right to make such changes in said line of road as a resurvey thereof may prove more economical; but in no event shall more than fifteen thousand dollars (\$15,000) of said sum be so expended. The further sum of five thousand dollars (\$5,000) shall be expended exclusively within the limits of the town of Knife Falls; and the residue of said sum shall be expended in the several towns of said county as may be directed by the said board of county commissioners. The work shall be done by contract; each contract shall be let to the lowest responsible bidder, who shall furnish security for the performance of the contract entered into by him and for the payment of all labor done or performed upon the improvement covered by said contract; the bidding for which shall be by sealed bids furnished to the board, upon reasonable public notice by publication in one or more newspapers published in said county, and such other notice as the board of county commissioners shall deem necessary to secure proper competition for the performance of said work; and the board, in inviting bids for the performance of work, shall at all times reserve the right to reject all bids, and shall bind contractors to the performance of their contract by specifications clearly defining the work to be done under the contract; each member of the board of county commissioners, before directing the expenditure of any of the moneys raised under the provisions of this act, shall give bonds, in the sum of two thousand dollars (\$2,000), to be approved by the judge of the district court of Carlton county, conditioned upon the faithful performance of the duties incumbent upon them by this act.

**SEC. 6.** Before any bonds shall be issued under the provisions of this act the proposition to issue the same shall first be sub-



mitted to a vote of the electors of said Carlton county at a regular election, or at a special election therefor to be held in said county at such time as shall by resolution be determined by said board of commissioners. If said proposition shall be submitted to a vote of the electors of said county at a regular election, then the same notices shall be given as are required by law for a regular election; if at a special election, the said board of county commissioners shall, before the holding of said special election, give twenty (20) days' public notice of the time of holding said special election, by posting in three (3) public places in each commissioner district, or within each election precinct (if there be one (1) or more in such commissioner district), three (3) notices setting forth that a proposition for issuing said bonds will be voted upon at said election.

The polling places shall be the same as at the last general election in the year one thousand eight hundred and ninety (1890) held in said county, and the polls thereof shall be open from the hour of ten (10) o'clock in the forenoon to the hour of five (5) o'clock in the afternoon of the day appointed for said special election. The notices herein provided for shall also state the hours during which the polls will be kept open for voting upon said proposition. It is hereby made the duty of all officers of said county to comply with the directions of said board in preparing notices and other necessary arrangements for said election, whether general or special. The ballots in substance shall be according to law and shall have printed on them the following words:

"For issue of bonds not exceeding twenty-five thousand (\$25,000) dollars, for laying out, altering and improving highways, roads and the building of bridges," or "Against issue of bonds not exceeding twenty-five thousand (\$25,000) dollars, for laying out, altering and improving highways, roads and the building of bridges." Said votes shall be cast at said polling places in the same manner as votes are cast for county officers. The votes shall be canvassed in the same manner as votes cast for county officers, and if upon such canvass a majority of said votes cast shall be in favor of issuing said bonds, the said board of county commissioners shall issue said bonds as provided by this act. Said bonds when issued in accordance with this act shall be lawful and valid.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 346.

[S. F. No. 540.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CARLTON COUNTY TO ISSUE BONDS TO FUND THE FLOATING INDEBTEDNESS OF SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of the county of Carlton and state of Minnesota are hereby authorized and empowered

to issue the bonds of said Carlton county, to an amount not exceeding six thousand dollars (\$6,000), with interest coupons attached, for the purpose of funding the floating indebtedness of said county, which said bonds and the proceeds thereof shall be used for no other purpose whatever.

SEC. 2. The said bonds shall be in sums of not less than five hundred dollars (\$500) each, nor more than one thousand dollars (\$1,000) each, with interest coupons attached, and shall bear interest at a rate not exceeding seven (7) per cent per annum, payable annually. The principal shall become due and payable at such time or times as the said board of county commissioners may by resolution determine, not less than five (5) years, nor more than fifteen (15) years, from the date of issue of said bonds respectively.

SEC. 3. The bonds and interest coupons attached, issued under the provisions of this act, shall be signed by the chairman of the board of county commissioners of said Carlton county and attested by the auditor of said county and sealed with his official seal, and be made payable at the office of the county treasurer of said Carlton county. The auditor of said county shall keep a record of all bonds issued under the provisions of this act, which record shall show the date, number and amount of each bond, the rate of interest, the time when due, the place where payable and the name of the party to whom issued.

SEC. 4. The board of county commissioners of said Carlton county shall, annually, after the date of the issuance of said bonds, levy a tax upon the taxable property of said county, in addition to all other taxes levied, sufficient to pay the interest accruing yearly upon said bonds, and to pay the principal as the same becomes due.

SEC. 5. The board of county commissioners of said Carlton county shall have authority to negotiate said bonds, but for not less than their par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 347.

[S. F. No. 607.]

### AN ACT TO MAKE PAUPERS A CHARGE UPON THE SEVERAL TOWNS AND INCORPORATED VILLAGES IN THE COUNTY OF CHIPPEWA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That at the spring election of one thousand eight hundred and ninety-two (1892) there shall be submitted to the legal voters of the county of Chippewa, the question of adopting the town system of caring for the poor in said county. The ballots used at such election shall have written and printed, or partly written and partly printed, thereon the words, "For the town system of caring for the poor—Yes—No;" and each elector voting on such question shall erase, mark across or scratch out one of said words, "Yes" or "No," on

said ballot and leave the other on the same when deposited in ballot box, and no ballots shall be counted except those having one only of said words, "Yes" or "No," thereon. The votes cast upon the question thus submitted shall be canvassed and returned in the same manner as votes for county officers, and if a majority shall be found to have voted in favor of the said change, the same shall take effect as soon as funds shall become available in the treasuries of the several towns, cities and villages in said county for the support and care of the poor in accordance with the provisions of Chapter one hundred and seventy (170) of the General Laws of one thousand eight hundred and eighty-nine (1889).

SEC. 2. In case a majority of the votes cast shall be in favor of the town system, the relief and care of the poor in said county of Chipewewa shall be governed in all respects by Chapter one hundred and seventy (170) of the General Laws of one thousand eight hundred and eighty-nine (1889), "An act to authorize counties to change their system of caring for the poor."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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## CHAPTER 348.

[S. F. No. 188.]

AN ACT TO LEGALIZE THE ACTION OF THE TOWN OF FISH LAKE, CHISAGO COUNTY, RESTRAINING CATTLE FROM RUNNING AT LARGE AND THE PROCEEDINGS HAD IN REFERENCE THERETO.

WHEREAS, The annual town meeting held in the town of Fish Lake, Chisago county, Minnesota, on the eleventh (11th) day of March, eighteen hundred and ninety (1890), the question of restraining horses, cattle, mules and asses from running at large in said town during any season of the year was submitted to the legal voters of said town, the vote was taken, duly canvassed and declared in favor of restraining cattle from running at large; now therefore,

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all and singular the acts and proceedings of the town of Fish Lake, Chisago county, and the officers thereof, in submitting to the voters of said town the proposition for restraining horses, cattle, mules and asses from running at large in said town, as well as the canvass of the vote, the making declaration thereof and the restraining of such animals from running at large in pursuance of said vote, together with all other proceedings had thereunder, be and the same is hereby legalized and declared valid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 349.

[H. F. No. 281.]

**AN ACT TO LEGALIZE THE ACTION OF THE TOWN OF SHAFER, CHISAGO COUNTY, RESTRAINING CATTLE FROM RUNNING AT LARGE, AND THE PROCEEDINGS HAD IN REFERENCE THERETO.**

**WHEREAS**, At the annual town meeting held in the town of Shafer, Chisago county, Minnesota, on the twelfth (12th) day of March, eighteen hundred and eighty-nine (1889), the question of restraining horses, cattle, mules and asses from running at large in said town during any season of the year was submitted to the legal voters of said town, the vote was taken, duly canvassed and declared carried in favor of restraining cattle from running at large;

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That all and singular the acts and proceedings of the town of Shafer, Chisago county, and the officers thereof, in submitting to the voters of said town the proposition for restraining horses, cattle, mules and asses from running at large in said town, as well as the canvass of the vote, the making declaration thereof and the restraining such animals from running at large in pursuance of said vote, together with all other proceedings had thereunder be and the same is hereby legalized and declared valid.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.

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## CHAPTER 350.

[H. F. No. 696.]

**AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF CHISAGO COUNTY TO REIMBURSE N. P. JOHNSON OF SAID COUNTY FOR MONEYS PAID OUT BY HIM ON ACCOUNT OF ONE PETER NELSON, A RESIDENT OF SAID COUNTY, WHO WAS INJURED IN THE WOODS IN THE WINTER OF EIGHTEEN HUNDRED AND EIGHTY-FOUR (1884) AND EIGHTEEN HUNDRED AND EIGHTY-FIVE (1885), AND WHO HAD NO MEANS OF CARING FOR HIMSELF.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the county commissioners of the county of Chisago, state of Minnesota, be and the same are hereby empowered, and it is hereby made lawful for them, to reimburse N. P. Johnson of said county for the moneys he has paid out for and on account of one Peter Nelson, a resident of said county, in caring for said Nelson, while suf-

fering from injuries received in a logging camp in the winter of eighteen hundred eighty-four (1884) and eighteen hundred eighty-five (1885); the sum so to be paid to be ascertained and determined by said commissioners, and not to exceed the sum of two hundred and fifty dollars (\$250).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 351.

[S. F. No. 490.]

### AN ACT TO RESTRAIN CATTLE FROM RUNNING AT LARGE IN THE TOWN OF NESSEL, CHISAGO COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That it shall be unlawful for any person or persons to allow any cattle, horses, mules, asses, sheep or swine, owned by them or of which they may have possession or control, to run at large upon the public highways or upon the lands of any other person, during any season of the year, in the town of Nessel, Chisago county, unless carefully herded.

SEC. 2. Any person or persons who shall violate or neglect the provisions of the first (1st) section of this act shall be liable for all the damages caused in consequence of the trespass of such animal or animals.

SEC. 3. The owner or occupant of any land or lands in said town may distrain all beasts doing damage thereon, without regard to the sufficiency of the fences thereon, and when any such distress shall be made, the damages may be appraised and the beast or beasts disposed of, and such action in the premises taken as is provided in the general statutes for the distraining of beasts doing damage.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

## CHAPTER 352.

[H. F. No. 201.]

**AN ACT TO REGULATE THE SALARIES OF COUNTY OFFICERS OF CLAY COUNTY AND TO REPEAL CERTAIN SPECIAL ACTS IN RELATION THERETO.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That Chapter two hundred and fifty-three (253) of the Special Laws of one thousand eight hundred and eighty-five (1885), Chapter one hundred and nine (109) of the Special Laws of one thousand eight hundred and eighty-five (1885) and Chapter three hundred and twenty-five (325) of the Special Laws of one thousand eight hundred and eighty-three (1883) are hereby repealed.

**SEC. 2.** All general laws in force in this state fixing the salaries or compensation of county officers are hereby declared to be in force and applicable to Clay county from and after the first (1st) day of March, one thousand eight hundred and ninety-one (1891). It being the intention of this act to repeal all special laws heretofore made affecting salaries of public officers of said county of Clay.

**SEC. 3.** The board of county commissioners of Clay county shall have power, by majority vote, in their discretion, to pay to the treasurer of said Clay county the sum of three hundred dollars (\$300) annually (in installments if desirable), in payment or in lieu of clerk hire in addition to the salary provided by the general laws of the state.

**SEC. 4.** This act shall take effect and be in force from and after the first (1st) day of March, A. D. one thousand eight hundred and ninety-one (1891).

Approved February 27, 1891.

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## CHAPTER 353.

[S. F. No. 551.]

**AN ACT TO AMEND SECTION ONE (1) OF CHAPTER EIGHTY-EIGHT (88) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), RELATING TO THE RUNNING AT LARGE OF CATTLE IN CLAY COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section one (1) of Chapter eighty-eight (88) of the Special Laws of the year one thousand eight hundred and eighty-five (1885) is hereby amended as follows:

By inserting between the words, "Moland" and "and," in the last line of said section, the word "Morken."

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

**CHAPTER 354.**

[H. F. No. 38.]

**AN ACT TO LEGALIZE CERTAIN ACTS OF THE BOARD OF COUNTY COMMISSIONERS OF COTTONWOOD COUNTY. IN THE STATE OF MINNESOTA.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the action of the board of commissioners of the county of Cottonwood, in the state of Minnesota, whereby bridges have been built upon or moneys otherwise expended for improvements of roads other than county roads, be and the same is hereby in all things legalized and made valid; and the county auditor of Cottonwood county is hereby authorized to issue his warrant for, and the treasurer to pay such warrant from the treasury of said county in payment for any bridge so built or other improvement made by direction of or under contract with the board of county commissioners.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

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**CHAPTER 355.**

[H. F. No. 587.]

**AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CROW WING COUNTY TO LEVY A TAX ON THE TAXABLE PROPERTY OF CASS COUNTY FOR A POOR FUND FOR SAID CASS COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the board of county commissioners of the county of Crow Wing, in this state, shall, at the time required by law for levying the taxes of said county in each year, assess, levy and cause to be collected, in the same manner and at the same time other county taxes are assessed, levied and collected, an amount of tax equal to one-half ( $\frac{1}{2}$ ) mill upon each dollar of taxable property in the county of Cass, for a fund to meet and defray the expense of supporting and relieving the poor of said Cass county, to be expended by said board of county commissioners of said Crow Wing county, according to the provisions of Chapter fifteen (15) of the General Statutes of one thousand eight hundred and seventy-eight (1878).

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 356.

[H. F. No. 1069.]

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF DAKOTA, MINNESOTA, TO LAY OUT A CERTAIN ROAD FROM A POINT IN SECTION TWENTY-SIX (26), IN TOWNSHIP ONE HUNDRED AND FIFTEEN (115), RANGE SEVENTEEN (17), IN THE CITY OF HASTINGS, IN SAID COUNTY, TO A POINT ON THE GOODHUE COUNTY LINE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of county commissioners of the county of Dakota and state of Minnesota are hereby authorized to lay out a road four (4) rods wide, commencing at some point in section twenty-six (26), in the said city of Hastings and within the corporate limits thereof; thence running through said section twenty-six (26) in an easterly or southeasterly direction; thence through the town of Ravenna, in said county, to a point between said town of Ravenna and the line of Goodhue county.

SEC. 2. Said road shall connect at its westerly terminus with a public street or highway of said city of Hastings; and all proceedings for the laying out and location thereof shall be had in the same manner as in cases of petitions for county roads; *Provided*, that said road shall not be laid out unless the owners of lands over which the same may pass shall release the right of way over the same without expense to the county of Dakota.

SEC. 3. Should the commissioners refuse to lay out such road, or should there be a question as to the proper route, and several petitions be presented, the commissioners shall have the same powers in the premises as in cases of any other petitions for county roads, and may act under this act until a legal highway is laid out.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 357.

[H. F. No. 350.]

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND THIRTY-SEVEN (237) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885) AND TO PROVIDE FOR THE ELECTION OF A COUNTY SUPERINTENDENT OF SCHOOLS FOR DAKOTA COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter two hundred and thirty-seven (237) of the Special Laws of the year one thousand eight hundred and eighty-five (1885), entitled "An act to repeal Chapter three hundred and



thirty-seven (337) of the Special Laws of one thousand eight hundred and seventy-nine (1879), and to provide for the appointment of a county superintendent of schools for Dakota county," approved February twenty-seventh (27th), one thousand eight hundred and eighty-five (1885), be and the same is hereby repealed.

SEC. 2. Hereafter all and singular the provisions of Chapter thirty-six (36) of the General Statutes of one thousand eight hundred and seventy-eight (1878) and all acts amendatory thereto, relating to the election, salary, term of office, powers and duties of county superintendent of schools, shall apply to and be in force in Dakota county.

*Provided, however,* that the county auditor shall not issue his certificate of election to any person who may appear to have received the highest number of votes cast at any election for the office of county superintendent of schools in and for said county until the said party has first produced and filed with said county auditor a first (1st) grade teacher's certificate, from the proper authority, showing that he has within two (2) years successfully passed an examination, either before or after such election, in the studies enumerated in existing laws of the state, as necessary for the obtaining of such first (1st) grade teacher's certificate.

SEC. 3. The provisions of this act shall take effect and be in force from and after its passage; *Provided,* that nothing in this act contained shall be construed to abridge the term of office of the present incumbent; that is, the present incumbent shall hold said office until the first (1st) Monday in the month of January, A. D. one thousand eight hundred and ninety-three (1893), or until his successor shall be elected and qualified.

Approved April 20, 1891.

## CHAPTER 358.

[S. F. No. 698.]

AN ACT TO REPEAL CHAPTER FOUR HUNDRED (400) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), AND TO AMEND SECTION FOUR (4) OF CHAPTER THREE HUNDRED AND NINETY-FOUR (394) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887) RELATING TO SALARY AND DUTIES OF COUNTY TREASURER OF DAKOTA COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That Chapter four hundred (400) of the Special Laws of one thousand eight hundred and eighty-one (1881) be and the same is hereby repealed.

SEC. 2. That section four (4) of Chapter three hundred and ninety-four (394) of the Special Laws of one thousand eight hundred and eighty-seven (1887), relating to the salary and duties of county treasurer, be and the same is hereby amended to read as follows:

The salary and compensation of the treasurer of said county shall be the sum of two thousand six hundred and sixty (2,660) dollars per annum, and out of said sum shall be paid clerk hire for all persons so employed by said county treasurer; and no other sum, except as hereinafter provided, shall be paid to said county treasurer for clerk hire, postage, stationery or otherwise, for any duty performed in the discharge of his office.

It shall be the duty of the said treasurer, at his own proper cost and expense, to make, or cause to be made, duplicates of the tax lists delivered to him by the auditor of said county each year, for each town in said county, excepting the towns of Nininger, Vermillion, Hampton, Marshan, Douglas, Ravenna and Hastings, the blank books therefor to be furnished by the county; and the said duplicate tax lists shall, when not in use by said treasurer, be deposited by said treasurer, at his own proper risk and expense, with suitable persons or corporations in the city of South St. Paul and the village of Farmington, in said county, and in the city of Northfield, in Rice county, Minnesota, said duplicate lists to be so distributed between said points as will best accommodate the taxpayers of towns adjacent thereto and said towns, or at other points as the board of county commissioners of said Dakota county may direct; said duplicate lists to remain so deposited at said points until the tenth (10th) day of June of each year; and all taxes received at said points or other points shall be with no charge or expense to the party paying such tax, and free of cost, risk or expense to the said county of Dakota.

*Provided*, that the said board of county commissioners shall have power, at their annual meeting in July of each year, to designate any town or towns in the county which shall be visited by the county treasurer for the purpose of collecting taxes, upon it being shown, to the satisfaction of said commissioners, that the taxpayers of the said town or towns be reasonably accommodated by the depositories heretofore mentioned; and the necessary actual cost and expenses of the said treasurer in making his visits at the direction of the board as aforesaid shall be allowed by the board and paid as other claims against the county are paid, not to exceed the sum of ten (10) dollars for any one (1) town so visited.

The treasurer shall give notice of his visits to any town or towns designated by the board of county commissioners, by publishing the same for two (2) successive weeks, in some newspaper in the county published nearest the town or towns to be visited, the cost of which notice shall be paid by the county.

SEC. 3. The provisions of this act are hereby made operative and the terms thereof considered in force from and after the first (1st) Monday of January, A. D. one thousand eight hundred and ninety-one (1891).

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 359.

[S. F. No. 700.]

AN ACT TO AMEND SECTION THREE (3) OF CHAPTER ONE HUNDRED AND NINETY-SEVEN (197) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), AS TO THE ISSUE OF BONDS TO PAY FOR THE APPROACHES TO A CERTAIN BRIDGE IN DAKOTA COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section three (3) of Chapter one hundred and ninety-seven (197) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by striking out the words "five thousand (5,000)," in the third (3d) line thereof, and inserting in lieu of the same the words "seven thousand (7,000)."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 360.

[S. F. No. 277.]

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DAKOTA COUNTY TO REFUND TO CERTAIN PURCHASERS AT A VOID TAX SALE, FOR PERSONAL PROPERTY TAXED, THE AMOUNTS PAID BY THEM.

WHEREFORE, One Daniel O'Brien, county treasurer of the county of Dakota, did, on the twenty-first (21st) day of May, one thousand eight hundred and eighty-three (1883), attempt to distrain and sell certain personal property, to-wit: certain shares of stock in the Farmers and Traders Bank of Hastings, Minnesota, standing in the names of B. C. Howes and others, for the purpose of collecting and making the amounts of certain delinquent personal property taxes due from said B. C. Howes and others, supposed to be the owners of said bank stock.

AND WHEREFORE, The said bank stock was never delivered by said county treasurer to the purchasers thereof.

AND WHEREFORE, The district court in and for the county of Dakota, in a proceeding brought against said supposed owners of said bank stock of said Farmers and Traders Bank, by citation duly issued out of said court, to collect the balance of said personal property tax remaining due after the sale of said bank stock, did decide and adjudge the assessment and levy of said tax to be void; and

**WHEREAS**, The purchasers at said sale did then and there pay to said county treasurer the various amounts bid by them for said property, which sums were duly covered into the county treasury of said county of Dakota; now therefore,

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That D. W. Stern, H. Gillitt, H. V. Meloy, W. DeW. Pringle and J. C. Meloy, who were purchasers at said tax sale, may, at any time before the first (1st) day of October, one thousand eight hundred and ninety-two (1892), present to the board of county commissioners of Dakota county, state of Minnesota, their claims for the amounts by them paid at such sale to said county treasurer of said Dakota county.

**SEC. 2.** That the said board of county commissioners shall audit said claims and allow the same, with interest at the rate of seven (7) per cent per annum from the date of said tax sale.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

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## CHAPTER 361.

[H. F. No. 526.]

**AN ACT TO AMEND "AN ACT MAKING PAUPERS A TOWN CHARGE IN THE COUNTY OF DOUGLAS," APPROVED FEBRUARY TWENTY-SIXTH (26TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883).**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That section one (1) of an act entitled "An act to make paupers a town charge in the county of Douglas," approved February twenty-sixth (26th), one thousand eight hundred and eighty-three (1883), be and the same is hereby amended so as to read as follows:

**Sec. 1.** Every poor person who is unable to earn a livelihood in consequence of bodily or mental infirmity or other cause, residing in Douglas county, Minnesota, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brother or sister of such poor person, if they or either of them are of sufficient ability. And every person having sufficient ability who fails or refuses to support his father, grandfather, mother, grandmother, child or grandchild, sister or brother, when they are unable to earn a livelihood for themselves, when directed by the board of supervisors of either of the towns, or the common council of either of the incorporated villages of said county where said poor person is found, whether the said relative resides in said town or incorporated village where said

poor person is found or not, shall be liable to forfeit and pay for the use of the poor the sum of fifteen dollars (\$15) per month from the time such poor person becomes a charge upon any town or incorporated village in said county for support, which may be recovered in the name of the town or incorporated village in which said poor person is found, by action in any court having jurisdiction; *Provided*, that no relative except parent or child shall be liable for the support of a person who becomes or is a pauper from intemperance or other bad conduct.

SEC. 2. That section four (4) of said act be amended so as to read as follows:

Sec. 4. Any person other than those hereinafter mentioned, who has resided in either of the towns or incorporated villages of said county one (1) year continuously, shall, for the purpose of this act, be deemed to have gained a legal residence and settlement in said town or incorporated village. Every indented servant or apprentice legally within said county shall obtain a legal settlement in the place where he shall have served his master for one (1) year. Every married woman, during coverture, shall be considered legally settled where her husband was last legally settled. But if he has obtained no legal settlement she shall be considered as settled in the place where she was legally settled at the time of her marriage; and every minor who has not been emancipated from his parents and gained a legal settlement in his own right shall be considered as settled where his parents or surviving parent was last legally settled; *Provided*, that if any poor person has resided within said county continuously for one (1) year, but has not resided in any town or incorporated village therein continuously for one (1) year, he shall be entitled to relief in that town or incorporated village where he has resided for the longest period of time within the year preceding his application for relief.

SEC. 3. That section five (5) of said act be and the same is hereby amended so as to read as follows:

Sec. 5. The board of supervisors of the several towns and the common council of the several villages of said county respectively, shall have, by virtue of their office, custody and superintendence of the poor in said town or incorporated village. They may appoint some suitable and competent physician to be physician of the poor, whose duty it shall be, upon direction of any member of such board of supervisors or common council, to attend upon and prescribe for all sick poor persons requiring medical aid, who are at the time receiving, or entitled to receive, public support or relief according to the provisions of this act. Such physician shall hold office during the pleasure of the board or council appointing him, and shall receive such compensation as they shall from time to time determine.

SEC. 4. That section six (6) of said act be and the same is hereby amended so as to read as follows: ~~SEC. 4. That section six (6) of said act be and the same is hereby amended so as to read as follows:~~

Sec. 6. The supervisors of the several towns and the common councils of the several incorporated villages respectively, in said county, shall have power to appoint a committee from their members with power to afford relief temporarily to poor persons legally entitled thereto. All applications for relief by poor persons claiming to require and to be entitled to public aid shall be made to the board of supervisors of the several towns or the common councils of the several incorporated villages of said county. In urgent cases, when said

board of supervisors or common council are not in session, such applications for relief may be made to said committee; and the said board of supervisors or common councils, themselves or by committees appointed by them, shall grant such relief as they shall deem necessary, by paying for the board and care of such poor persons, or providing transportation to their homes, paying rent, furnishing provisions, clothing and fuel, medical attendance or burying the dead. No cash shall be paid to any poor person under this act and no bill shall be allowed by any board of supervisors or any common council for goods furnished or services rendered under this act unless some member of said board of supervisors or common council shall first certify, in writing, under his hand, that the said account is correct and just, that the prices charged therein are reasonable, and that the service charged for was actually rendered, or that the goods charged for were necessary for the relief of such poor person, were actually delivered and were of good quality. Every such bill shall specify the names of the paupers for whom services were rendered or goods furnished and the amount charged for each pauper. No member of any board of supervisors or any village council which is charged with the care of the poor, shall be, either directly or indirectly, interested in the furnishing of any supplies for the benefit of such poor persons; and no such member shall be a physician for the poor. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 5. That section seven (7) of said act be and the same is hereby amended so as to read as follows:

Sec. 7. The supervisors of the several towns shall make suitable provision for permanent aid and relief for the poor of said towns, and the common councils of the several villages for the poor of the villages, at the charge of said towns and villages respectively.

SEC. 6. That section eight (8) of said act be and the same is hereby amended so as to read as follows:

Sec. 8. The electors of each town, at their annual town meeting, and the common council of each incorporated village in said county, shall levy, or cause to be levied, each year a tax upon the real and personal property in said town or village respectively, of such sum as seems necessary for the support and relief of the poor; *Provided*, that the said levy shall not be less than one (1) mill upon each dollar of the assessed valuation, unless there shall be in the poor fund of said town or village not less than fifty (50) dollars above the amount of orders outstanding at the time when such levy was made. The several town clerks, and the several village recorders in said county, shall certify the fact to the county auditor. The county auditor of said county shall, at any time of making the grand tax duplicates of the county, assess and levy upon the taxable property of each town and each incorporated village in said county the sum levied for the support and need of the poor; *Provided*, that in case the proper officers of any town, city or village shall neglect to make a levy for the support and relief of the poor, and to notify the county auditor as herein prescribed, then it shall be the duty of said county auditor to make an assessment upon said town or village of one (1) mill on each dollar of the valuation for that purpose. The county treasurer shall pay to the treasurer of each town and each incorporated village in said county the amount of poor funds collected from such towns and villages.

SEC. 7. That section nine (9) of said act be and the same is hereby amended so as to read as follows:

Sec. 9. Whenever application is made for public relief or support by any person who has not a legal settlement, as heretofore defined, in the town or village in which application is made, but who has a legal settlement in some other county, city, town or village in this state at the time of making such application, the board of supervisors or the common council, or the chairman or president thereof, shall warn such person to depart from such town or village; and if such poor person is unable or refuses to depart within fifteen (15) days after being so warned, and is likely to become chargeable upon the public for support, the chairman or president aforesaid may issue an order directed to any constable or marshal in said town or village, and requiring him to convey such poor person to the county, city, village or town in which he has legal settlement; and the constable or marshal shall take such poor person and convey him to the place designated in said order, and all reasonable expenses of such removal shall be paid out of the treasury of said town or village from which such removal is made, and the amount thereof shall be a legal and valid claim against the city, town, village or county in which such poor person had a legal settlement at the time of such removal, and may be recovered in any court having jurisdiction, in an action brought in the name of said town or village from which said removal is made.

SEC. 8. That section ten (10) of said act be and the same is hereby amended so as to read as follows:

Sec. 10. In case application is made for support or relief to the authorities of any town or incorporated village in said county, by or on behalf of any person whose legal settlement is at the time in another city, town, village or county in this state, and who is so sick, infirm or disabled as to render it unsafe or inhuman to remove him, as provided in the preceding section, and who is in actual and immediate need of public relief or support, the authorities to whom such application is made shall proceed in all respects as if such applicant has a legal settlement in said town or village in which such application is made; and the city, town, village or county in which such poor person had a legal settlement at the time such relief or support is provided and furnished shall pay to the said town or village providing and furnishing relief or support the full value thereof, upon being presented with a bill of the same. Such bill may be presented at any meeting of the board of supervisors or common council or board of county commissioners, where poor person had a legal settlement at the time such relief or support was provided or furnished, and, if not paid, the amount thereof may be recovered in any court having jurisdiction, in an action brought in the name of the said town or village furnishing such support or relief.

SEC. 9. That section eleven (11) of said act be and the same is hereby amended so as to read as follows:

Sec. 11. When any minor becomes chargeable upon any town or village in said county, the board of supervisors or the common council, or any member thereof, shall apply to the board of county commissioners to secure the admission of such minor to the state public school, or they shall bind such minor as an apprentice to some respectable person, a householder of said county, if such person can be

found, who will take such minor by written indenture of the same tenure and effect as required by the chapter of the general statutes relating to master and servant, and shall be binding upon any such minor as therein provided.

SEC. 10. That section twelve (12) of said act be and the same is hereby amended so as to read as follows:

Sec. 12. When any person dies in either of the towns or in either of the incorporated villages of said county, leaving no property out of which his necessary funeral expenses may be defrayed, and having no relatives of sufficient ability to procure his burial, the board of supervisors of the town or the common council of the incorporated village where such death occurs, or any committee of such authorities having the power provided for in section five (5) of this act, shall procure a decent burial of the remains of such deceased person, at the expense of the city, town, village or county where such person had legal settlement at the time of said death, and the amount of such expense may be recovered in any court having jurisdiction, in an action in the name of such town or village incurring such expense; *Provided*, that said action shall not be brought until a bill of said expenses shall have been presented at a meeting of the board of supervisors of the town or the common council of the incorporated village where said deceased person had a legal settlement at the time of his death, if in said Douglas county, or to the proper authorities having the lawful care and custody of poor persons in the county of deceased person's legal settlement, if not in said Douglas county.

SEC. 11. That section fourteen (14) of said act be and the same is hereby amended so as to read as follows:

Sec. 14. All poor persons entitled to public aid and relief, and residing in any town in said county, shall be cared for and supported by said town; and all such poor persons residing in any incorporate village in said county shall be cared for and supported by the said village.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 362.

[S. F. No. 293.]

AN ACT AUTHORIZING THE FILING AND RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF FARIBAULT COUNTY AND STATE OF MINNESOTA OF A CORRECTED SURVEY AND PLAT OF THE VILLAGE OF MINNESOTA LAKE, IN FARIBAULT COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The register of deeds of the county of Faribault, in the state of Minnesota, is hereby authorized and required, on pay-



ment to him of his legal fees therefor, to receive, file and record in his said office, and therein perpetually keep of record, a corrected survey and plat of the village of Minnesota Lake, situate in said county and state, made by F. D. Woodbury in the month of December, A. D. one thousand eight hundred and ninety (1890); and which corrected survey and plat shall in all legal proceedings and conveyances be taken and deemed a true and correct plat of said village of Minnesota Lake; *Provided*, that nothing herein contained shall in any manner affect any vested rights of any owner of real estate in said village of Minnesota Lake, nor shall it apply to or affect any action or proceedings now pending in any court in the state respecting any real property situate within the limits of the said village of Minnesota Lake.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

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## CHAPTER 363.

[H. F. No. 985.]

AN ACT TO FIX THE SALARIES OF COUNTY OFFICERS FOR THE COUNTY OF FILLMORE, AND AUTHORIZING THE COMMISSIONERS OF SAID COUNTY TO PROVIDE CLERKS FOR CERTAIN OFFICERS, AND THAT ALL FEES COLLECTED BE PAID INTO THE COUNTY TREASURY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the salaries of the various county officers of the county of Fillmore, specified in this act, be and the same are hereby fixed as follows:

The salary of county auditor is hereby fixed at twelve hundred dollars (\$1,200) per annum.

The salary of county treasurer is hereby fixed at one thousand dollars (\$1,000) per annum.

The salary of sheriff of said county is hereby fixed at one thousand dollars (\$1,000) per annum.

The salary of judge of probate is hereby fixed at nine hundred dollars (\$900) per annum.

The salary of register of deeds is hereby fixed at one thousand dollars (\$1,000) per annum.

The salary of county superintendent of schools is hereby fixed at one thousand dollars (\$1,000) per annum.

The salary of clerk of court is hereby fixed at eight hundred dollars (\$800) per annum.

The salary of county attorney is hereby fixed at seven hundred dollars (\$700) per annum.

SEC. 2. The commissioners of said Fillmore county are hereby authorized and empowered to furnish the auditor, register of deeds and treasurer, in their discretion, with any necessary assistance or

clerk hire; *Providing*, the total amount for such assistance or clerk hire allowed all of said officers shall not exceed the sum of one thousand dollars (\$1,000).

SEC. 3. All fees authorized by law to be collected by any officer of said Fillmore county, when this act shall become effective, shall be collected by said officers respectively.

SEC. 4. The whole amount of fees collected, as provided in section three (3) of this act, shall be paid over to the county treasurer at the end of each quarter, and not later than the first (1st) Monday in April, July, October and January in each year.

SEC. 5. Said officer or officers shall at the time of paying the fees collected by them into the county treasury make and place on file with the county auditor a statement in detail as to fees collected by them, showing the source from which and the names of persons from whom received, etc. Said statement shall be subscribed and sworn to by the officer making the same.

The said statement shall remain on file in the office of county auditor, and be open for the inspection of any person concerned.

SEC. 6. The annual financial statement made by the commissioners of said county shall contain the amounts collected separately by the different officers of said county.

SEC. 7. The officers of said county, or clerks employed in any office, shall be entitled to receive a salary in monthly installments, and the auditor is hereby authorized to draw a warrant on the county treasurer at the end of each month in favor of the several officers of said county, to the amount of their respective salaries for one (1) month.

SEC. 8. Nothing in this act shall be construed to affect the salaries of the present incumbents of the various offices specified herein during the term of office they are now serving

SEC. 9. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 10. This act shall be submitted to a vote of the electors of said county at the next general election in November, one thousand eight hundred and ninety-two (1892). The ballots for the adoption of said act shall have written or printed thereon the words, "For revision of salaries—Yes;" and the ballots against the adoption of this act shall have written or printed thereon the words, "For revision of salaries—No."

The returns of the election on the question shall be made, and the result ascertained, in the same manner provided by law for the election of county officers. If a majority of the electors of said county voting upon said proposition shall be in favor of the adoption of this act, as may be shown by the election returns at said election, the county auditor of said county shall thereupon, immediately, make a record in the book kept by him for recording the proceedings of the county commissioners of said county, which record shall certify under his hand that the electors of said county have by their votes adopted said act; and thereupon this act shall take effect from and after the first (1st) day of January, A. D. one thousand eight hundred and ninety-three (1893).

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 364.

[H. F. No. 145.]

## AN ACT TO REGULATE APPLICATIONS FOR RELIEF OF THE POOR IN THE COUNTY OF FREEBORN.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. All applications for relief of the poor in the county of Freeborn shall be made first to the chairman of the board of supervisors in the town wherein the said poor person resides; *Provided*, that in those towns in which members of the board of county commissioners reside, application shall be made to the resident county commissioner and not to the chairman of the board of supervisors.

SEC. 2. It shall be the duty of the chairman of the board of supervisors to make a prompt and thorough investigation of each application made to him, visiting said poor person in his or her home, or seeing said poor person personally if he has no home, and to make a written report of said case to the county commissioner of the district in which he resides, in blanks to be furnished by the state board of corrections and charities. It shall be the further duty of the said chairman to forward the said report, by the first mail, to the county commissioner of the district in which he resides. In case of sickness, accident or other extraordinary emergency requiring immediate action, the chairman of the board of supervisors may transmit his report to the county commissioner by special messenger, who shall receive for his services ten (10) cents for each mile traveled going and returning and no more.

SEC. 3. No compensation shall be paid to the chairman of the boards of supervisors for the service required by this act, but they shall be paid mileage at the rate of ten (10) cents per mile for each mile going and returning in investigating cases as hereinbefore provided.

SEC. 4. It shall be the duty of the county commissioner, upon receipt of such report from the chairman of the township board, to take such action, without delay, as in his judgment the case may require; but nothing in this section shall preclude such county commissioner from making such further investigation as he may deem necessary.

SEC. 5. The mileage provided for in section two (2) and section three (3) of this act shall be paid from the county poor fund of said county of Freeborn; *Provided*, that every bill for such service must be certified as correct by the county commissioner of the district in which the service shall have been performed.

SEC. 6. All acts or parts of acts inconsistent with this act are hereby repealed so far as relates to the county of Freeborn.

SEC. 7. This act shall take effect from and after its passage.

Approved February 24, 1891.

**CHAPTER 365.**

[S. F. No. 522.]

**AN ACT TO AMEND SECTION ONE (1), CHAPTER TWO HUNDRED AND SEVENTY-THREE (273) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO AUTHORIZING AND REQUIRING EACH TOWN AND VILLAGE IN STEVENS COUNTY AND GRANT COUNTY TO SUPPORT ITS OWN POOR.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That section one (1) of Chapter two hundred and seventy-three (273) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by striking out the word "county," in the fourth (4th) line thereof, and inserting in lieu thereof the word "counties."

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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**CHAPTER 366.**

[H. F. No. 570.]

**AN ACT RELATING TO ROADS, CART-WAYS AND BRIDGES, IN THE COUNTY OF GOODHUE.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That hereafter, in accordance with this act, in all towns in the county of Goodhue, in this state, the taxes provided for in Chapter thirteen (13) of the General Statutes of one thousand eight hundred and seventy-eight (1878) shall be levied, as in said chapter provided, each year, in a sum not to exceed twenty-five (25) cents on each one hundred (100) dollars valuation of property, whether real or personal, and such taxes shall be paid in money and be levied, assessed and collected in the same manner as provided by law in case of other general town taxes; and in case of failure so to pay the same the person so failing shall be subject to like penalties as provided for failure in said Chapter thirteen (13); *Provided*, this act shall not apply to any incorporated city or village.

**SEC. 2.** The supervisors of each town shall, at their next regular or special meeting after every annual town meeting, appoint one (1) or more roadmasters for their respective towns, who shall have power to hire men and teams for the repair of all roads, cart-ways and bridges in their towns, in such manner and upon such terms as may be prescribed by said supervisors, and to warn out all persons who fail to commute their poll tax as prescribed by said Chapter thirteen

(13), to work out the same, and such roadmasters shall have generally the powers granted to overseers in said Chapter thirteen (13), except as modified by this act, and shall receive such compensation as shall be fixed by said supervisors.

SEC. 3. *Provided*, that this act shall not take effect in any town until ratified by a vote of the qualified electors of such town, which election may be had at any regular annual town meeting, or a special town meeting called for that purpose, in the manner provided by law for calling such meetings; and at the time of giving notice of the meeting at which such vote is to be taken it shall be the duty of the town clerk to attach to the notice of such meeting a copy of this act, together with a further notice that the same will be at such meeting submitted to said electors for their approval or rejection. Such votes shall be by ballot. Those voting in favor of such proposition shall deposit a ballot bearing the words, "In favor of tax proposition — Yes;" those voting against said proposition shall deposit a ballot bearing the words, "In favor of tax proposition — No;" and if a majority of the electors present and voting at any such town meeting shall vote in favor of this act, the same shall thereafter be in force in such town; otherwise not. Such election shall be conducted in the same manner as provided by law for other town elections.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 367.

[H. F. No. 521.]

AN ACT TO PROVIDE FOR A RESURVEY AND MARKING OF THE SECTION AND QUARTER SECTION CORNERS OF THE TOWNSHIP OF PINE ISLAND, IN THE COUNTY OF GOODHUE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the supervisors of the township of Pine Island, in the county of Goodhue, shall, in accordance with this act, have authority to cause to be made a survey of said township by the county surveyor of said county, for the purpose of definitely ascertaining and locating the section and quarter section lines in said township, according to the government survey, and when so ascertained the same shall be marked by the erection at each section and quarter section corner, of substantial and enduring monuments of either stone or iron, of such character as they may prescribe.

SEC. 2. Before any action is taken by said supervisors under this act, the same shall be submitted to a vote of the qualified electors of said township, to be had at any regular town meeting, or a special town meeting called for that purpose, in the manner provided by law for

calling such meetings, and at the time of giving notice of the town meeting at which such vote is to be taken it shall be the duty of the town clerk to attach to the notices of such meeting a copy of this act, together with a further notice that the same will be at such meeting submitted to said electors by vote for their approval or rejection.

Such votes shall be by ballot. Those voting in favor of such proposition shall deposit a ballot which shall bear the words, "For a survey—Yes;" those voting against said proposition shall deposit a ballot bearing the words, "For a survey—No;" and if a majority of the electors present and voting at such meeting shall vote in favor of such survey, then it shall be the duty of such supervisors, as soon as may be, to cause the same to be completed; otherwise no further action shall be taken by them in the premises. Such voting is to be conducted in the same manner as provided by law in reference to town meetings.

SEC. 3. All expenses incurred under this act shall be paid out of any money in the hands of the treasurer of said township not otherwise appropriated, in the same manner as other bills are allowed and paid, and the supervisors shall have power to provide for the necessary funds.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 368.

[H. F. No. 751.]

AN ACT TO AUTHORIZE THE COUNTY TREASURER OF GOODHUE COUNTY, MINNESOTA, TO PAY OVER TO THE VILLAGE TREASURER OF THE VILLAGE OF PINE ISLAND, IN SAID COUNTY, CERTAIN MONEYS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the county treasurer of the county of Goodhue, in the state of Minnesota, shall, upon demand thereof by the village treasurer of the village of Pine Island, in said county, pay over to the said village treasurer, as soon as the same is collected, each and every year, all moneys raised by taxation for the purpose of paying the bonds of said village and coupons issued therewith, heretofore issued by said village for the purpose of aiding in the construction of a certain railroad therein.

SEC. 2. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

## CHAPTER 369.

[S. F. No. 142.]

AN ACT TO AMEND CHAPTER NINETY-FIVE (95) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO (242), OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "AN ACT TO FIX THE SALARY OF THE CLERK OF THE PROBATE COURT OF HENNEPIN COUNTY."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter ninety-five (95) of the Special Laws of one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended by striking out the words and figures, "six hundred (600) dollars," where they occur in said section, and inserting in place thereof the words and figures, "twelve hundred (\$1,200) dollars."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 370.

[H. F. No. 98.]

AN ACT TO AMEND SECTIONS ONE (1) AND TWO (2) OF CHAPTER ONE HUNDRED AND TWELVE (112) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887) AS THE SAME WAS FURTHER AMENDED BY CHAPTER FOUR HUNDRED AND TWENTY-EIGHT (428) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter four hundred and twenty-eight (428) of the Special Laws of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

Sec. 1. Each of the judges of the district court of Hennepin county may appoint a phonographic reporter, who shall be well skilled in his profession and competent to discharge the duties required, and who shall be a sworn officer of said court, and shall hold his office during the pleasure of said judge so appointing him.

The salary of said reporter shall be fifteen hundred dollars (\$1,500) per annum, payable in like manner as the salary of other officers of said county are now paid.

Sec. 2. It shall be the duty of said phonographic reporters, and each thereof, to take, or cause to be taken, full phonographic notes of all trials and proceedings in said court had before the judge so appointing him, whenever so directed; and each of said reporters shall act in the capacity of a private secretary to the judge so appointing him, whenever so directed by said judge, in taking notes of any findings, decisions or orders of said judge, so given or rendered in open court or dictated at chambers to said reporter, and each of said reporters shall, when requested by said judge so appointing him, without charge therefor, transcribe said notes, or any part thereof, for the use of said judge, or for such other purpose in furtherance of justice as said judge may order; and each of said reporters shall furnish a free hand or typewritten copy of said notes, or any part thereof, at the request of any party to an action in said court, for which copy he shall be entitled to charge at the rate of ten (10) cents per folio, or for every one hundred (100) words so written out; and whenever such transcript has been filed as provided by the rules of court, and the amount paid by any party for such copy to be used upon a motion for a new trial or appeal may be taxed and allowed as other disbursements are taxed and allowed in an action.

SEC. 2. This act shall take effect and be in force on and after April first (1st), one thousand eight hundred and ninety-one (1891).

SEC. 3. All acts heretofore in force relative to the appointment of a phonographic reporter for the district court for Hennepin county are hereby repealed.

Approved February 24, 1891.

## CHAPTER 371.

[S. F. No. 235.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER THREE HUNDRED AND NINETY-SIX (396) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), AND ALL ACTS AND PARTS OF ACTS AMENDATORY THEREOF, PRESCRIBING THE LIMITS OF THE COUNTY COMMISSIONER DISTRICTS IN AND FOR THE COUNTY OF HENNEPIN, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter three hundred and ninety-six (396) of Special Laws of one thousand eight hundred and eighty-one (1881), and the act amendatory thereof which was approved February first (1st), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Sec. 1. The county of Hennepin, in this state, is hereby divided into county commissioner districts as follows:



## CHAPTER 369.

[S. F. No. 142.]

AN ACT TO AMEND CHAPTER NINETY-FIVE (95) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO (242), OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "AN ACT TO FIX THE SALARY OF THE CLERK OF THE PROBATE COURT OF HENNEPIN COUNTY."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter ninety-five (95) of the Special Laws of one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended by striking out the words and figures, "six hundred (600) dollars," where they occur in said section, and inserting in place thereof the words and figures, "twelve hundred (\$1,200) dollars."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

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CHAPTER 370.

[H. F. No. 98.]

AN ACT TO AMEND SECTIONS ONE (1) AND TWO (2) OF CHAPTER ONE HUNDRED AND TWELVE (112) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887) AS THE SAME WAS FURTHER AMENDED BY CHAPTER FOUR HUNDRED AND TWENTY-EIGHT (428) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter four hundred and twenty-eight (428) of the Special Laws of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

Sec. 1. Each of the judges of the district court of Hennepin county may appoint a phonographic reporter, who shall be well skilled in his profession and competent to discharge the duties required, and who shall be a sworn officer of said court, and shall hold his office during the pleasure of said judge so appointing him.

The salary of said reporter shall be fifteen hundred dollars (\$1,500) per annum, payable in like manner as the salary of other officers of said county are now paid.

Sec. 2. It shall be the duty of said phonographic reporters, and each thereof, to take, or cause to be taken, full phonographic notes of all trials and proceedings in said court had before the judge so appointing him, whenever so directed; and each of said reporters shall act in the capacity of a private secretary to the judge so appointing him, whenever so directed by said judge, in taking notes of any findings, decisions or orders of said judge, so given or rendered in open court or dictated at chambers to said reporter, and each of said reporters shall, when requested by said judge so appointing him, without charge therefor, transcribe said notes, or any part thereof, for the use of said judge, or for such other purpose in furtherance of justice as said judge may order; and each of said reporters shall furnish a free hand or typewritten copy of said notes, or any part thereof, at the request of any party to an action in said court, for which copy he shall be entitled to charge at the rate of ten (10) cents per folio, or for every one hundred (100) words so written out; and whenever such transcript has been filed as provided by the rules of court, and the amount paid by any party for such copy to be used upon a motion for a new trial or appeal may be taxed and allowed as other disbursements are taxed and allowed in an action.

SEC. 2. This act shall take effect and be in force on and after April first (1st), one thousand eight hundred and ninety-one (1891).

SEC. 3. All acts heretofore in force relative to the appointment of a phonographic reporter for the district court for Hennepin county are hereby repealed.

Approved February 24, 1891.

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## CHAPTER 371.

[S. F. No. 235.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER THREE HUNDRED AND NINETY-SIX (396) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), AND ALL ACTS AND PARTS OF ACTS AMENDATORY THEREOF, PRESCRIBING THE LIMITS OF THE COUNTY COMMISSIONER DISTRICTS IN AND FOR THE COUNTY OF HENNEPIN, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter three hundred and ninety-six (396) of Special Laws of one thousand eight hundred and eighty-one (1881), and the act amendatory thereof which was approved February first (1st), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Sec. 1. The county of Hennepin, in this state, is hereby divided into county commissioner districts as follows:

All that portion of the city of Minneapolis lying east of the Mississippi river, composed of the first (1st), second (2d) and ninth (9th) wards of said city, as those wards are now constituted, and the town of St. Anthony, shall constitute the first (1st) commissioner district.

All that portion of the city of Minneapolis lying within the following described boundaries and limits, to-wit: Commencing at the point where Tenth (10th) avenue south, in said city, intersects with the Mississippi river on the westerly side thereof, thence along said Tenth (10th) avenue south to Twenty-fourth (24th) street south; thence westerly along said Twenty-fourth (24th) street to Chicago avenue; thence south along Chicago avenue to the southerly boundary line of said city; thence easterly along said boundary line of said city to the Mississippi river; thence along the river front to said Tenth (10th) avenue south; said territory being composed of the sixth (6th), seventh (7th), eleventh (11th) and twelfth (12th) wards of said city as now constituted, shall constitute the second (2d) commissioner district.

All that portion of the fourth (4th) ward lying south and east of Hennepin avenue and the fifth (5th), eighth (8th) and thirteenth (13th) wards of said city, and bounded as follows: Commencing at the intersection of Tenth (10th) avenue south and the Mississippi river; thence running along said Tenth (10th) avenue south to Twenty-fourth (24th) street; thence west along said Twenty-fourth (24th) street to Chicago avenue; thence south along said Chicago avenue to the southerly boundary line of said city of Minneapolis; thence west along said southerly boundary line to the westerly boundary line of said city; thence northerly along the westerly boundary line of said city to the north line of the eighth (8th) ward of said city; thence east along the north boundary line of said eighth (8th) ward to Hennepin avenue; thence along said Hennepin avenue to the Mississippi river; thence along the river front to the place of beginning, shall constitute the third (3d) commissioner district.

All that portion of the city of Minneapolis lying within the following described boundaries and limits, to-wit: Commencing at the intersection of Hennepin avenue, in said city, with the Mississippi river on the westerly side thereof; thence running along said Hennepin avenue to the northerly boundary line of the eighth (8th) ward of said city; thence westerly along the northerly boundary line of said eighth (8th) ward to the westerly boundary line of said city; thence northerly along the westerly boundary line of said city to the northerly boundary line of said city; thence easterly along the northerly boundary line of said city to the Mississippi river; thence along the river front to said Hennepin avenue, shall constitute the fourth (4th) commissioner district.

All territory comprised within the limits of the said Hennepin county and not embraced in the first four (4) districts herein established shall constitute the fifth (5th) commissioner district.

SEC. 2. It is hereby expressly enacted that nothing herein contained shall be construed as legislating out of office any commissioner of said county, but every such commissioner, notwithstanding any change in the limits or boundary lines of said commissioner districts, shall serve as and continue to be the commissioner of said county for the district for which he was elected, after the passage of

**this act**, until the expiration of the term for which he was elected, **subject only to removal in the cases and in the manner provided by law.**

**SEC. 3.** All acts and parts of acts inconsistent herewith are hereby **repealed.**

**SEC. 4.** This act shall take effect and be in force from and after its **passage.**

Approved February 27, 1891.

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## CHAPTER 372.

[H. F. No. 234.]

**AN ACT TO AMEND SECTION TWO (2) OF CHAPTER THREE HUNDRED AND NINETY-SIX (396) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), RELATING TO THE ELECTION OF COUNTY COMMISSIONERS IN AND FOR HENNEPIN COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That section two (2) of Chapter three hundred and ninety-six (396) of the Special Laws of one thousand eight hundred and eighty-one (1881), be and the same is hereby amended by striking out the words "said," in the first (1st) line of said section, and the words "Hennepin county from," in the second (2d) line of said section.

**SEC. 2.** All acts and parts of acts inconsistent herewith are hereby **repealed.**

**SEC. 3.** This act shall take effect and be in force from and after its **passage.**

Approved February 27, 1891.

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## CHAPTER 373.

[H. F. No. 52.]

**AN ACT RELATING TO THE SALARIES OF CERTAIN COUNTY OFFICERS OF HENNEPIN COUNTY, AND FEES RECEIVED.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** The salary of the register of deeds of Hennepin county, state of Minnesota, shall be four thousand (4,000) dollars per annum.

**SEC. 2.** The salary of the clerk of the district court in said county shall be four thousand (4,000) dollars per annum.

**SEC. 3.** The fees and compensation of the sheriff of said county of Hennepin shall be as follows:

For serving a summons or any process issued by any court of law, one (1) dollar for the first (1st) defendant served, and fifty (50) cents for each additional.

Traveling in making any service on any writ or summons, eight (8) cents per mile for going and returning, to be computed from the place where the court is usually held.

Taking and approving a bond, fifty (50) cents.

A certified copy of such bond, when requested, ten (10) cents per folio.

Copy of every summons or other paper served by the sheriff, when such copy is made by him, ten (10) cents per folio.

Collections on executions, when collected without levy, or when levied upon personal property, when the same is collected or settled after levy, four (4) per centum on the amount collected up to two hundred and fifty (250) dollars, and one (1) per centum upon the excess of said sum.

Selling lands on execution or decree, and executing certificate or deed, and for all services required in making such sale, the sum of five (5) dollars.

The fees herein allowed for the service on an execution, and for advertising thereon, shall be collected by virtue of such execution in the same manner as the sum therein directed to be levied; but when there are several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one (1) advertisement fee charged on the whole, and the sheriff shall elect on which execution he shall receive the same.

Advertising sale, one (1) dollar, and the reasonable fees paid to any printer by such sheriff for publishing an advertisement of sale.

Posting three (3) notices for such sale, one (1) dollar.

Every certificate on the sale of real estate, one (1) dollar, which, together with the register's fees for recording the same, shall be collected as other fees on execution; but no sheriff shall charge for more than one (1) certificate issued upon the same sale to the same purchaser, unless he requires it, in which case he shall pay to said sheriff one (1) dollar for each additional certificate.

Serving a writ of restitution or possession, and putting any person entitled into the possession of premises, and removing the occupants, three (3) dollars.

Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents (\$1.50).

Summoning a special jury, struck pursuant to an order of the court, and returning the panel, twenty-five (25) cents for each juror, and mileage actually and necessarily traveled.

Bringing up a person on *habeas corpus* to testify or answer in any court, or with the cause of his arrest or detention, or for the purpose of having him surrendered in exoneration of his bail, on attempting to receive a prisoner so surrendered who was not committed at the time and receiving such prisoner into his custody, or for committing a prisoner to jail, or for bringing a prisoner before any court for examination, in either case, fifty (50) cents; and for traveling, the same mileage as upon service of writs, and two (2) dollars per day for attending court with such prisoner.

Summoning grand or petit juries, twenty-five (25) cents for each juror and eight (8) cents mileage actually and necessarily traveled in summoning said jurors.

Attending court, two (2) dollars per day each for himself and two (2) deputies, during jury trials only.

Boarding and washing for prisoners, three dollars and twenty-five cents per week (\$3.25).

Serving subpoena, fifty (50) cents for each witness summoned and mileage as in service of summons; but when two (2) or more witnesses live in the same direction, mileage shall be charged only for the furthest.

Selling lands on foreclosure of mortgage by advertisement and executing certificate and deed to purchaser and for all services required on such sale, three (3) dollars.

Postponing a sale, one (1) dollar, to be paid by party requesting the same.

Making and drafting an inventory of property levied upon, replevied or attached, twenty-five (25) cents for each folio, and for each copy of said inventory, ten (10) cents per folio.

For diligent search and inquiry, and returning summons when parties cannot be found, one (1) dollar, without regard to number of defendants; and returning execution when no property can be found, one (1) dollar.

Receiving and paying over the money paid on redemption of property, and executing certificate therefor, one (1) per cent of the amount so received and paid, up to one thousand (1,000) dollars and one-half (½) per cent on all amounts received and paid in excess of said sum, to be collected from the person redeeming such property, but not to exceed in any one case twenty-five (25) dollars.

For all the necessary expense which may be incurred to secure and safely keep all property taken by the sheriff, by virtue of a warrant of attachment, execution or writ of replevin, such sum as may be allowed by the court.

The county commissioners of each of said counties shall allow the sheriff of their respective counties the sum of six hundred (600) dollars per annum, as compensation for a watchman or turnkey of the jail; but all bailiffs, deputy sheriff attending upon courts, shall be furnished by such sheriff.

The food furnished persons shall be of good substantial quality, and of the variety needed for health, and as shall be regulated by the county commissioners.

SEC. 4. The above named salaries shall be in full compensation for all services rendered by the above named respective officers in their official capacity.

The fees charged for services, and the prices charged for filing all papers and instruments in said several offices shall remain as at present, except as herein provided.

SEC. 5. The said several officers shall employ sufficient help and assistance to properly discharge the duties of their respective offices.

The number of deputies, clerks or other employes in the offices of clerk of the district court and register of deeds, and the compensation paid to each, shall at all times be under the control of the board of county commissioners of said county, which may make such changes in numbers and compensation as it may deem just and right.

SEC. 6. On the first (1st) Monday of each month following the commencement of his term of office, each of the above named clerk of the district court and register of deeds shall file with the county auditor a full and detailed statement of all business done in his office and fees received by them in the business of their offices and from whom received, and amount of fees, if any, due and unpaid for the preceding month. Said officers shall also in such statement give the name of every employe in their offices and the amount paid to each for services, with the general nature of the service.

Said statement shall be verified by the oath of the party signing the same, to the effect that the same is in all respects just and true, and that the payments therein stated have been absolutely and unconditionally made to the persons named, without rebate, discount or refunding in any manner, directly or indirectly, any part of the same.

Any intentional false statement in such affidavit shall subject the maker to the pains and penalties of perjury.

All fees received in each of said offices of clerk of the district court and register of deeds shall be paid over to the county treasurer on the first (1st) Monday of each month.

Either the clerk of the district court or register of deeds who fails to pay over to the county treasurer all fees and other revenues collected by or through him or his said office, as herein provided, shall be removed from his office, and the same shall be declared vacant by the county commissioners, and shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than five (5) years nor less than one (1) year, or by a fine of not more than five thousand (5,000) dollars, nor less than five hundred (500) dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 7. All acts or parts of acts which conflict with any of the foregoing provisions are hereby repealed.

SEC. 8. This act is hereby declared a public act and may be read in evidence in any court of law in this state without proof.

SEC. 9. The verified statements of the receipts and disbursements of the officers above mentioned shall be kept and preserved in the auditor's office and shall be deemed public documents, and open to the inspection of any taxpayer of Hennepin county at any time during business hours of the office.

SEC. 10. This act shall take effect and be in force on and after January first (1st), eighteen hundred and ninety-three (1893).

Approved April 17, 1891.

**CHAPTER 374.**

[H. F. No. 493.]

**AN ACT TO AMEND SECTION ONE (1), CHAPTER ONE HUNDRED AND EIGHT (108) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO COUNTY ROADS IN HENNEPIN COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section one (1) of Chapter one hundred and eight (108) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by adding to said section the following:

*Twenty-seventh*—The road or highway when opened and laid out, described as follows:

Beginning at a point in the Minneapolis and Watertown road, thirty-three (33) feet north of the north right of way line of the St. Paul, Minneapolis & Manitoba railway, in section twenty-nine (29), township one hundred and eighteen (118), range twenty-three (23), and running thence easterly through sections twenty-nine (29), thirty-two (32), thirty-three (33) and thirty-four (34), township one hundred and eighteen (118) north of range twenty-three (23) west of the fifth (5th) principal meridian, to the village of Long Lake, and thence easterly through sections thirty-four (34), thirty-five (35) and thirty-six (36), in town and range aforesaid, and through section one (1), township one hundred and seventeen (117), range twenty-three (23), and through section six (6), township one hundred and seventeen (117), range twenty-two (22), to the village of Wayzata, said road to be an extension of the Minneapolis and Delano road and to terminate in the village of Wayzata.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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**CHAPTER 375.**

[H. F. No. 445.]

**AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HENNEPIN COUNTY TO ALLOW AND APPROPRIATE SUFFICIENT MONEY TO PAY CERTAIN FEES AND COSTS INCURRED IN THE SERVICE DEMAND AND RETURN OF DELINQUENT PERSONAL PROPERTY TAX WARRANTS IN SAID COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The county commissioners of Hennepin county are hereby authorized to audit and allow and appropriate sixteen hun-



dred seventeen and sixty one-hundredths dollars (\$1,617.60) to pay the sheriff's fees and mileage for the service or demands on and return of warrants issued to him by the clerk of the district court of said county, for the collection of delinquent personal property taxes in the years one thousand eight hundred and eighty-nine (1889) and one thousand eight hundred and ninety (1890), which still remain unpaid, such sum to be in full compensation for all services performed in making such service or demand and return in the collection of such delinquent taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 376.

[H. F. No. 74.]

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS OF HENNEPIN COUNTY, STATE OF MINNESOTA, TO HAVE CERTAIN RECORDS OF SAID COUNTY IN HIS CUSTODY DUPLICATED FOR THE USE OF SAID COUNTY AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO COMPENSATE HIM THEREFOR OUT OF THE GENERAL FUNDS OF SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The register of deeds of Hennepin county, state of Minnesota, is hereby authorized to procure a duplicate and transcript of books A, B, D, E, H, J, K, M, N and V of deeds and books B, D, E, H, J, K, L, P, U and T of mortgages of the records of said county for the use of said county.

SEC. 2. The board of county commissioners of said county are hereby authorized to compensate said register of deeds, at the rate of seven (7) cents per folio, for said work out of the general funds of said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 377.

[H. F. No. 674.]

AN ACT TO AMEND "AN ACT TO AMEND SECTION ONE (1), CHAPTER THREE HUNDRED AND SEVENTY-FIVE (375), SPECIAL LAWS ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED AN ACT TO MAKE CERTAIN ROADS IN HENNEPIN COUNTY, MINNESOTA, COUNTY ROADS, AND TO GIVE THE BOARD OF COUNTY COMMISSIONERS OF HENNEPIN COUNTY THE CHARGE AND SUPERVISION THEREOF, AND TO PROVIDE FOR THEIR CARE AND THE CARE OF OTHER GROUNDS AND PARKS IN SAID HENNEPIN COUNTY," BY ADDING THERETO THE ROAD KNOWN AS THE "CARROLL SETTLEMENT ROAD."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter one hundred and eight (108) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by adding thereto a subdivision to be numbered "twenty-eight," and to read as follows, viz.:

"The road known as and commonly called the 'Carroll Settlement Road,' beginning at the northwest corner of section twenty (20), town twenty-eight (28), range twenty-four (24) west of the fourth (4th) principal meridian; thence south on section line between section nineteen (19) and twenty (20) and twenty-nine (29) and thirty (30) to southeast corner of said section thirty (30); thence west on south line of said section thirty (30) to the southwest corner thereof; thence west along, or as near as practicable along, the south line of section four (4), town one hundred and sixteen (116), range twenty-one (21) west of the fifth (5th) principal meridian, to the southwest corner of last mentioned section four (4); thence west along, or as near as practicable along, the north line of section eight (8), in said town one hundred and sixteen (116), range twenty-one (21), to the northwest corner of the northeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of last mentioned section eight (8); thence in a southerly direction through sections eight (8), seventeen (17) and twenty (20), in said town one hundred and sixteen (116), range twenty-one (21), to Bush lake, so called; thence southerly through last mentioned section twenty (20) to the south line thereof; thence southwesterly through section twenty-nine (29), in last mentioned town and range, to the west line thereof; thence south along the west line to the southwest corner of said last mentioned section twenty-nine (29); thence south along the east line of section thirty-one (31), town one hundred and sixteen (116), range twenty-one (21), to the quarter post on east line of said section; thence east to the northeast corner of the northwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section thirty-two (32), town one hundred sixteen (116), range twenty-one (21); thence south to the southeast corner of the northwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of said section thirty-two (32); thence west through sec-

tions thirty-two (32) and thirty-one (31), said town and range, to the southwest corner of the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of said section thirty-one (31); thence in a southerly direction through sections thirty-one (31) and six (6), in town one hundred and fifteen (115), range twenty-one (21) west of the fifth (5th) principal meridian, to Bloomington Ferry on the Minnesota river."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 378.

[S. F. No. 304.]

AN ACT TO AMEND SECTION FOUR (4) OF CHAPTER ONE HUNDRED AND NINETY-SEVEN (197) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO AUTHORIZE THE COUNTIES OF HENNEPIN AND DAKOTA AND SCOTT TO CONSTRUCT BRIDGES ACROSS THE MINNESOTA RIVER AND APPROACHES THERETO."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section four (4) of Chapter one hundred and ninety-seven (197) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), approved April twenty-fourth (24th), one thousand eight hundred and eighty-nine (1889), entitled "An act to authorize the counties of Hennepin and Dakota and Scott to construct bridges across the Minnesota river and approaches thereto," be and the same is hereby amended by adding to said section four (4) the following:

*And provided, however,* that the said board of county commissioners of Hennepin county are hereby authorized and empowered to appropriate and apply any money obtained by the sale of said thirty-five thousand dollars (\$35,000) of the said bonds for the construction of the bridge at "Bloomington Ferry," and not needed and used in the construction of said bridge and its approaches, and any balance so remaining towards the construction of the bridge mentioned in section two (2) of said chapter;

*Provided, however,* that the cost of construction of the bridge and approaches thereto provided for in section two (2) of said chapter one hundred and ninety-seven (197) shall in no case exceed the sum of fifty thousand dollars (\$50,000), the amount originally appropriated therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

**CHAPTER 379.**

[S. F. No. 637.]

**AN ACT DEFINING THE DUTIES OF THE COUNTY SURVEYOR OF HENNEPIN COUNTY.***Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That it shall be the duty of the county surveyor of Hennepin county, on the expiration of his term of office, to transfer to his successor in office all maps, original notes or field books, profiles and records made by him or in his office during his term of office, and any failure on his part to comply with this act shall be punishable by a fine of not more than one thousand dollars (\$1,000), and it is made the duty of the county commissioners of Hennepin county to take such action as is necessary to enforce the penalty provided for in this act, in any court of competent jurisdiction.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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**CHAPTER 380.**

[H. F. No. 1119.]

**AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HENNEPIN COUNTY TO REIMBURSE D. D. MOORE FOR CERTAIN MONEYS EXPENDED BY HIM.***Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The board of county commissioners of Hennepin county, this state, are hereby authorized and empowered to pay to D. D. Moore of said county the sum of two hundred and fifty (250) dollars, to reimburse him for moneys expended in the year one thousand eight hundred and eighty-nine (1889) in the defense of a certain action in the district court of said county, which action was brought by one Henry Schulze, to recover for injuries resulting from alleged defects in a certain county road of said county. And the county auditor of said county shall, when ordered so to do by the said board of county commissioners, draw his order for said sum of two hundred and fifty (250) dollars, in favor of said D. D. Moore, on the county treasurer of said county, who shall pay the same out of the general revenue fund of said county, upon presentation thereof to him by said D. D. Moore.

**SEC. 2.** This act shall have effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 381.

[H. F. No. 983.]

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HENNEPIN COUNTY, IN THE STATE OF MINNESOTA, FOR THE IMPROVEMENT OF NAVIGATION ON LAKE MINNETONKA IN SAID COUNTY, FOR THE PRESERVATION OF THE PUBLIC HEALTH, AND FOR THE PUBLIC BENEFIT, ADVANTAGE AND USE, TO ESTABLISH AND MAINTAIN A UNIFORM HEIGHT OF WATER IN SAID LAKE, TO ACQUIRE AND CONDEMN PROPERTY AND TO DO SUCH OTHER ACTS AS MAY BE NECESSARY.

WHEREAS, It is necessary for the improvement of navigation on Lake Minnetonka, in the county of Hennepin, state of Minnesota, and for the preservation of the public health and for the public benefit, advantage and use, that the waters in said lake shall be maintained at a uniform height, sufficient to secure said purposes; and

WHEREAS, The property hereinafter specified is necessary to be acquired to carry out the purposes of this act; therefore

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the county commissioners of the county of Hennepin, in said state, are hereby authorized, immediately after the passage of this act, to determine and establish a uniform height at which the waters of Lake Minnetonka, in said county, shall be maintained, as nearly as practicable; *Provided*, that said height shall not be above the extreme high water mark of the waters in said lake, and shall not be less than three (3) feet above the present level of the waters in said lake, which present level is thirteen (13) feet and three (3) inches below the top of the main piers of the bridge over the narrows between the main lake and that portion of said lake known as Gray's lake.

And said commissioners are further authorized from time to time, after they have established said height as herein provided, to do such things as may be necessary to maintain said waters at the height so established, as nearly as practicable; and whenever the waters in said lake shall exceed the height established by said commissioners pursuant to this act, said commissioners shall draw the said waters down to said height so established, but not below the same.

SEC. 2. To carry out the purposes of this act said commissioners are authorized to acquire, by gift or by purchase or condemnation, the property known as the dam of the Minnetonka Mill Company in said county, together with all rights and easements connected therewith or appurtenant thereto, and the land on which said dam is situated; and also all such land adjacent to the same and such rights or interests in such adjacent land as may be necessary to enable said commissioners to maintain said waters at the height so established, and to discharge the surplus waters of said lake from time to time through said dam.

SEC. 3. In case it shall be necessary to acquire said dam, property, lands or rights, or either of them or any part thereof, by condemnation, said commissioners may proceed, as often as it may be necessary, in manner following:

They shall cause to be made a survey and map of the lands and property which they shall determine to take, or in which they shall determine to acquire such rights, which map shall be certified by a majority of the said commissioners and filed in the office of the clerk of the district court of said county; and the said map shall contain the names of the owners, mortgagees, judgment creditors and other persons interested in, or having a lien upon, each specified tract of land and the property which is to be taken or in which such rights are to be acquired, so far as said names are known to the commissioners or can be ascertained from the records in the office of the register of deeds of said county.

SEC. 4. Upon the filing of said map as above required, the commissioner shall give written or printed notice to each owner, mortgagee, judgment creditor and other person interested in or having a lien upon the several tracts of land and the property which it is proposed so to take, or to acquire such rights in, as far as the same can be ascertained, as hereinbefore provided, declaring that the county commissioners of said Hennepin county intend to take the lands and property or to acquire such rights in the lands described by said survey, as shown by said map, as the case may be; and that the said commissioners intend to apply by petition to the district court of the fourth (4th) judicial district of the state of Minnesota, which is hereby vested with jurisdiction to hear and determine any matter arising under this act, at a general or special term thereof, and on a day in said notice named, for the appointment of three (3) disinterested freeholders, residents of said county, to act as appraisers to ascertain and report the just compensation to be paid to the person or persons or corporation owning or having any interest in or lien upon said lands and property, which said notice shall be served on the said owners and parties in interest in like manner as a summons in a civil action is now provided to be served by the laws of the state of Minnesota, at least ten (10) days previous to the time designated by the said notice for the presentation of such application. In case of non-residents said notice may be served by publication thereof, for ten (10) successive week days, in any newspaper printed and published in said county. The last publication shall be at least ten (10) days prior to the day fixed in said notice for presenting said petition to said court.

SEC. 5. The said commissioners shall present a petition to said court, pursuant to said notice, for the appointment of such appraisers for the purposes aforesaid, at the time and place designated in said notice; and said court, upon the hearing of said petition, if it appears to the court that the notice has been given according to the provisions of this act as above provided, shall appoint three (3) disinterested appraisers, freeholders and residents of said county, for the purposes aforesaid; and in the order appointing said appraisers, said court shall fix the time and place of the first (1st) meeting of said appraisers.

SEC. 6. The said appraisers shall meet at the time and place specified in the order appointing them, and shall severally take and subscribe an oath, to be administered by some person authorized to administer oaths, faithfully and impartially to discharge the duties of their appointment according to the best of their ability. A majority of them may adjourn the proceedings before them from time to time

in their discretion. They shall together view said lands and property and shall hear the proofs and allegations of all persons interested; and they, or a majority of them, all being present, shall, without any unnecessary delay, proceed to [award] to the respective owners of said lands and property such compensation therefor, in each case separately, as in their judgment shall be just, for the damages that will result by reason of the taking of their said lands, property or estate or acquiring such rights therein, for the purposes of this act; and in fixing the amount of such compensation said appraisers shall not make any allowance or reduction on account of any real or supposed benefits which the parties interested may derive from the improvement caused by the establishment and maintenance of said waters at the uniform height determined by said commissioners, for the purposes aforesaid. The report of said appraisers, signed by them, shall be filed in the office of the clerk of said district court as soon as they have completed their said award; and said report shall be made and filed within one (1) month from the time of their appointment.

SEC. 7. After the report of the said appraisers shall be so filed, the said commissioners shall give notice, by publication for ten (10) successive week days, in some newspaper designated by said court and printed and published in said county, that said report of said appraisers has been so filed, and that said commissioners, on a day specified in said notice, which day shall be at least ten (10) days after the last publication of said notice, will apply to said court for an order confirming said report; and on the day so appointed the said court, on being furnished with due proof of the publication of said notice as above provided, shall hear the application of said commissioners and shall make such order in the premises as may be just; and, in case of confirmation of said report, shall make an order containing a recital of the substance of the proceedings in the matter of the appraisement of the land and property for which compensation shall be paid, and shall also direct to whom the compensation shall be paid. A certified copy of such order of confirmation shall be recorded in the office of the register of deeds of said county.

SEC. 8. Any person whose property is proposed to be taken or interfered with, under any of the provisions of this act, and who deems that there is any irregularity in the action of the appraisers by reason of which the award of said appraisers ought not to be confirmed, or who is dissatisfied with the amount awarded to him for the taking of or interference with his property under this act, may file with the clerk of said court, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property in respect to which objection is made; and said written objection shall be filed with the clerk of said court at least two (2) days before the time fixed in said notice for the application for the confirmation of said report. There shall be no pleading on such objection, but the court shall determine, in the first instance, whether there was any such irregularity or omission of duty prejudicial to the objector and specified in said written objection that as to him the award or appraisement of the appraisers ought not to stand. The judgment of the court shall be either to confirm or annul the proceedings, only as the same affects the property of the objector proposed to be taken or affected and described in said written objection. From

**such** determination no appeal or writ of error shall lie. In **case** the amount of damages awarded is complained of by said objector, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation appoint three (3) disinterested freeholders, residents of said county, appraisers to reappraise said damages. The parties to such objection may be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of the first meeting of such appraisers. They shall be sworn and shall proceed in all respects as is in this act provided for the government of the first set of appraisers appointed by said court. The award of such new appraisers shall be final, unless the same shall be set aside by the court for good cause shown; and in case it is set aside, the court may, in its discretion, recommit the same to the same appraisers or appoint new appraisers as it shall deem best; but no appeal or writ of error shall be allowed from any order of the court in the premises.

**SEC. 9.** Said court shall have the power at any time to amend any defects or any informalities in any of the proceedings to acquire said land, property and rights, and also to appoint other appraisers in place of any who for any reason may not serve after notice has been given, in like manner as hereinbefore provided for giving notice of the application of said commissioners for the appointment of appraisers originally. Said court shall allow a reasonable compensation to all appraisers for their services, and shall make such award of costs on the hearing of objections as it shall deem just in the premises.

**SEC. 10.** The land and property required to be taken, or with respect to which said rights are necessary to be acquired for the purposes aforesaid, shall not be appropriated to such purposes until the amount awarded for the same shall have been paid or tendered to the persons entitled thereto, or paid into court as provided herein. In case the said commissioners shall be unable to determine to whom the compensation so awarded should in any particular case be paid, or be unable to make tender in any case, or in case of disputed claims in relation thereto, or in case any person to whom compensation has been awarded shall not be a resident of the state of Minnesota, or if for any reason it shall seem best to do so, the amount of such compensation in any case may be deposited by said commissioners in said court. All of said payments shall be made out of moneys derived from the assessments for benefits as hereinafter provided in this act. Said court, upon the proper application of any person claiming the moneys so paid into court, or any part thereof, shall determine to whom the same shall be paid. And when said payment has been made or tendered or paid into court, as hereinbefore provided, the title to the lands which in said petition said commissioners have declared their intention to take, with all rights, easements, hereditaments and appurtenances whatsoever thereunto appertaining or in anywise belonging, and all rights acquired for the purposes of this act in any other lands, shall be and remain absolutely and forever vested in the said commissioners and their successors in office; *Provided*, that the county of Hennepin shall in no case be held liable for any costs or damages whatever by reason of any act or proceeding taken or attempted under the provisions of this act; nor are the proper authorities of said county authorized to advance any of the funds of said county to carry out the provisions of the same. But said commis-



sioners are hereby authorized to issue to parties entitled to same certificates of indebtedness due two (2) years after date of confirmation of assessments herein provided, without interest; said certificate to state distinctly upon its face that it is not an obligation of the county, but is secured upon property assessed for the purpose of raising funds with which to make payment of said certificate.

SEC. 11. As soon as the amount required for the purchase and condemnation of said lands, property and rights shall have been ascertained by said commissioners with reasonable certainty, they shall apply to the said court for the appointment of three (3) disinterested freeholders, residents of said county, as assessors of benefits. Notice of such application, and of the time when the same will be made, shall be given, by publication, for at least ten (10) successive week days, in a newspaper designated by said court, and printed and published in said county, the last of which publications shall be at least three (3) days prior to the date fixed for such application; and all parties interested may appear and be heard by said court touching said appointment. After being furnished with due proof of the publication of said notice as herein provided, the said court shall hear said application and shall appoint three (3) disinterested freeholders, residents of said county, as assessors, who shall proceed to assess upon such tracts and parcels of land in said county as they shall deem to be specially benefited by the proceedings herein provided for, whether such lands shall adjoin and abut upon said lake or not, such sum as they shall deem a just proportion, respectively, of the total cost of said purchase and condemnation; and the determination of said assessors as to what tracts and parcels of land are specially benefited shall be deemed to include all the lands so specially benefited.

The said court, in the order appointing said assessors, shall fix the time and place of their first meeting. The said assessors shall meet at the time and place fixed in the order appointing them, and shall severally, before proceeding to act under said appointment, make oath, before any person authorized to administer an oath, faithfully and impartially to discharge their duties as assessors under the provisions of this act.

All persons interested may appear before said assessors and be heard touching any matter connected with the assessment. Said assessors shall hear and consider any pertinent testimony offered; and they may adjourn their meetings from time to time until the assessment is completed. When completed, the assessment shall be signed by the assessors, or a majority of them who shall concur therein, and shall be returned to and filed in the office of the clerk of said district court.

SEC. 12. Said commissioners shall cause to be published, for at least ten (10) successive week days, in a newspaper designated by said court and printed and published in said county, a notice that said assessment has been filed in said clerk's office, and that they will, on a day specified in said notice, apply to said court for the confirmation of said assessment. The last publication shall be at least ten (10) days prior to the date fixed in said notice for such application. Said notice shall set forth the boundaries of the district in which the said assessments have been made. Upon due proof that said publication as above provided has been made, said court shall proceed to hear said application for confirmation of said assessment; and the confirmation

of said assessment by said court shall bind all persons interested in said lands in all respects as though personal service had been made upon each.

SEC. 13. Said district court shall have power to revise, correct, amend or confirm said assessment, in whole or in part, and may make or order a new assessment, in whole or in part, and the same revise, correct, amend or confirm on like notice. All persons interested may appear before said court at the time of said application and object to said assessment, in whole or in part; but all objections shall be in writing, specifying the tracts or parcels of land in respect to which objection is made, and shall be filed in the office of the said clerk, at least two (2) days before the time fixed for the application. Objections that relate simply to the amount assessed upon the premises specified shall not be availing, unless the court shall be satisfied that the appraisers in fixing such amount were governed by improper motives or proceeded on erroneous principles or under an obvious mistake of facts.

SEC. 14. After the confirmation of said assessment, the said commissioners shall cause a copy thereof, as amended and confirmed, to be filed in the office of the auditor of said county. The appraisement shall be a lien upon the several tracts or parcels of land so assessed for benefits as aforesaid. The auditor of said county shall include the said assessment in the next general tax list for the collection of state, county and city taxes made after said copy shall be filed in his office, setting opposite the several tracts or parcels of land assessed the amount of such assessment for benefits in a proper column to be headed "Minnetonka Improvement Assessment," and like proceedings in all respects shall be had for the collection of the same as is now provided by law for the collection of state, county and city taxes in said county.

SEC. 15. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.

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## CHAPTER 382.

[H. F. No. 1110.]

AN ACT TO PROVIDE FOR THE OPENING OF HIGHWAYS IN THE UNPLATTED PORTIONS OF INCORPORATED VILLAGES IN HENNEPIN COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. Whenever the board of county commissioners of Hennepin county are petitioned in the manner provided by section forty-nine (49) of Chapter thirteen (13) of the General Statutes of Minnesota for the year eighteen hundred and seventy-eight (1878), for the purposes specified in said section, they shall have power, in addition to those powers now authorized by said section, to locate, establish,

change or vacate any highway running into more than one (1) town of said county, notwithstanding such highway, or some part thereof, may run through or into the unplatted portion of an incorporated village in said county.

*Provided*, that the cost of opening and improving any road of over four (4) rods in width shall be paid by the owners of abutting land along the line of such proposed road, the amount to be paid by each of such owners to be determined by an award of benefits and damages, such award to be made by the authority of the county commissioners of the county where such road is situated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 383.

[H. F. No. 200.]

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE (135) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), BEING AN ACT TO AMEND CHAPTER NINETY-FIVE (95) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-FIVE (1885), BEING AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-FIVE (295) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1893), RELATING TO THE COMPENSATION OF CERTAIN OFFICERS OF HENNEPIN COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The salary of the county treasurer of Hennepin county is fixed at nine thousand five hundred dollars (\$9,500) per annum, which sum shall be in full for his personal services, and out of which he shall pay his deputy and all the clerks he shall employ to assist him in the discharge of the duties of his office.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 384.

[H. F. No. 676.]

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-NINE (369) OF THE SPECIAL LAWS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter three hundred and sixty-nine (369) of the Special Laws for the year one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out the words and figures, "thirty-two hundred dollars (\$3200)," where the same occur in said section one (1), and substituting in lieu thereof the words and figures, "three thousand and seven hundred dollars (\$3,700)."

SEC. 2. That section two (2) of said chapter be and the same is hereby amended by striking out the words and figures, "eighteen hundred dollars (\$1800)." where the same occur in the said section two (2), and substituting in lieu thereof the words and figures, "twenty-three hundred dollars (\$2300)."

SEC. 3. This act shall be in force and take effect from and after the first (1st) day of January, one thousand eight hundred and ninety-two (1892).

Approved April 22, 1891.

## CHAPTER 385.

[H. F. No. 856.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER ONE HUNDRED AND EIGHT (108) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO COUNTY ROADS IN HENNEPIN COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter one hundred and eight (108) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by adding to said section the following:

*Thirtieth*—The road or highway described as follows: Beginning at the intersection of the west line of the village of Osseo with section line dividing sections twelve (12) and thirteen (13), township one hundred and nineteen (119), range twenty-two (22) west of the fifth (5th) principal meridian, and running thence westerly along line of sections twelve (12) and thirteen (13,) eleven (11) and fourteen (14),

ten (10) and fifteen (15), nine (9) and sixteen (16) and through sections eight (8) and seven (7) to west line of the township and range aforesaid; thence through sections twelve (12), eleven (11), ten (10), nine (9), three (3), four (4) and five (5), township one hundred and nineteen (119), range twenty-three (23), to corner of sections four (4) and five (5) on north line of aforesaid town and range; thence west on line of towns one hundred nineteen (119) and one hundred twenty (120), ranges twenty-three (23) and twenty-four (24), to a point on Crow river opposite the village of Hanover.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 386.

[H. F. No. 814.]

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHT (108) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING AN ACT ENTITLED "AN ACT TO AMEND SECTION ONE (1), CHAPTER THREE HUNDRED AND SEVENTY-FIVE (375), SPECIAL LAWS ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED AN ACT TO MAKE CERTAIN ROADS IN HENNEPIN COUNTY, MINNESOTA, COUNTY ROADS AND TO GIVE THE BOARD OF COUNTY COMMISSIONERS OF HENNEPIN COUNTY THE CHARGE AND SUPERVISION THEREOF AND TO PROVIDE FOR THEIR CARE AND THE CARE OF OTHER GROUNDS AND PARKS IN SAID HENNEPIN COUNTY."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter one hundred and eight (108) of the Special Laws one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended in the manner following, to-wit: By inserting after the subdivision numbered "Twenty-sixth" (26th) of said section one (1) the following words and figures, to-wit:

*Twenty-ninth*—The road or highway commonly called and known as the Cedar avenue road, described as follows: Commencing at a point two hundred and ninety-eight (298) feet west of the meander corner between sections fourteen (14) and twenty-three (23), in township twenty-eight (28) north, range numbered twenty-four (24) west of the fourth (4th) principal meridian; thence southwesterly and southeasterly through section twenty-three (23); thence south through section twenty-six (26) to the east and west quarter (¼) line thereof; thence east to the east line of said last mentioned section twenty-six (26); thence south to the southeast corner of said section twenty-six (26); and thence south, between sections thirty-five (35) and thirty-six (36), to the southeast corner of said section thirty-five (35), said town and range; thence south on line between sections one (1) and two (2), in

township number twenty-seven (27), range number twenty-four (24) west of the fourth (4th) principal meridian, to the southeast corner of said section two (2); thence south between sections eleven (11) and twelve (12), said town and range, to the southeast corner of said section eleven (11); thence south between sections thirteen (13) and fourteen (14), six hundred feet (600); thence south sixty-eight degrees (68) and thirty-eight minutes (38) east, three thousand and nine hundred and twenty-three and seven-tenths feet ( $3,923\frac{7}{10}$ ); thence south forty-five degrees (45) and forty-three minutes (43) east, four hundred and thirty-four and three-tenths feet ( $434\frac{3}{10}$ ), to the Minnesota river.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved April 20, 1891.

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## CHAPTER 387.

[S. F. No. 811.]

### AN ACT REGULATING THE SALARY OF THE AUDITOR OF HENNEPIN COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter ninety-five (95) of the Special Laws of Minnesota for the year eighteen hundred and eighty-five (1885) be amended by striking out the words "nine thousand dollars (\$9,000)," in the fifth and sixth lines thereof, and inserting in lieu thereof the words "nine thousand five hundred dollars (\$9,500)."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 388.

[H. F. No. 1263.]

### AN ACT FOR THE RELIEF OF FREDERICK C. PENNEY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. WHEREAS, Frederick C. Penney and Joseph E. Badger of the city of Minneapolis did, during the years eighteen hundred and eighty-four (1884), eighteen hundred and eighty-five (1885), eighteen hundred and eighty-six (1886) and eighteen hundred and eighty-seven (1887), expend large sums of money in filling and grading the streets,

avenues and alleys, in the certain portions of the city of Minneapolis known as Badger & Penney's Addition to Minneapolis and Badger & Penney's Second Addition to Minneapolis; and

WHEREAS, by reason of such grading and filling the taxable valuation of the property in said additions was greatly enhanced and the taxes thereon correspondingly increased; and

WHEREAS, the said taxes have for the years eighteen hundred and eighty-four (1884), eighteen hundred and eighty-five (1885), eighteen hundred and eighty-six (1886), eighteen hundred and eighty-seven (1887), eighteen hundred and eighty-eight (1888), eighteen hundred and eighty-nine (1889) and eighteen hundred and ninety (1890) been unjust, unequal and excessive; and

WHEREAS, the said Joseph E. Badger has heretofore assigned to the said Frederick C. Penney all claims of every kind and nature by reason of such filling and grading;

*Now therefore be it enacted*, that the board of county commissioners of Hennepin county be and hereby is authorized to ascertain the amount of such taxes in excess of what was just, equal and reasonable, if any, and thereupon to order the county treasurer to refund such amount to the said Frederick C. Penney.

SEC. 2. Upon the making of such order by the said board of county commissioners, the county treasurer shall pay to the said Frederick C. Penney the amount specified in said order when such moneys are paid into said treasury.

SEC. 3. Upon the receipt of such amount by the said Frederick C. Penney, he shall sign a receipt in full for all claims of every kind and nature by reason of such filling and grading, and the said county of Hennepin and every municipal authority shall by said receipt be forever discharged from all claim and liability for such grading and filling.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 389.

[S. F. No. 508.]

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-FIVE (345) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), BEING "AN ACT RELATING TO THE DUTIES OF COUNTY COMMISSIONERS OF HOUSTON COUNTY."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section two (2) of Chapter three hundred and forty-five (345) of the Special Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after January first (1st) one thousand eight hundred and ninety-three (1893).

Approved March 17, 1891.

**CHAPTER 390.**

[S. F. No. 507.]

**AN ACT TO AMEND "AN ACT TO REGULATE THE SALARY, COMPENSATION AND FEES OF THE COUNTY OFFICERS OF THE COUNTY OF HOUSTON," APPROVED MARCH FOURTH (4TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879), CHAPTER THREE HUNDRED AND ELEVEN (311), SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879).**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section eight (8) of Chapter three hundred and eleven (311) of the Special Laws of one thousand eight hundred and seventy-nine (1879), being an act to regulate the salary, compensation and fees of the county officers of the county of Houston, approved March fourth (4th), one thousand eight hundred and seventy-nine (1879), being Chapter three hundred and eleven (311) of the Special Laws of one thousand eight hundred and seventy-nine (1879), be and the same is hereby amended so as to read as follows :

**Sec. 8.** The fees and salaries hereinbefore named shall be in full for all the services of the above named officers, including clerk hire, and the salaries shall be paid in monthly installments, by warrant drawn by the county auditor on the county treasurer of said county.

**SEC. 2.** This act shall take effect and be in force from and after the first (1st) day of January, one thousand eight hundred and ninety-three (1893).

Approved March 23, 1891.

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**CHAPTER 391.**

[S. F. No. 608.]

**AN ACT TO PREVENT THE RUNNING AT LARGE OF CATTLE, HORSES, MULES OR OTHER DOMESTIC ANIMALS IN THE TOWNSHIP OF MONEY CREEK, IN THE COUNTY OF HOUSTON, STATE OF MINNESOTA.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** It shall be unlawful for any person or persons to allow cattle, horses, mules, sheep or swine or other domestic animals, owned by such person or persons, or of which such person or persons having control or may be in possession, to run at large upon any highway or upon the lands of any other person or persons, in the township of Money Creek, in the county of Houston, state of Minnesota, during any season of the year, unless they are properly herded.



SEC. 2. Any person or persons who shall violate or neglect the provisions of section one (1) of this act shall be liable for all damages that may be caused in consequence of the trespass of such animal or animals.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1891.

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## CHAPTER 392.

[S. F. No. 570.]

AN ACT TO AMEND SECTION FIVE (5) OF CHAPTER SIXTY-NINE (69), TITLE "A," OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885) OF THE STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section five (5) of Chapter sixty-nine (69), Title "A," of the Special Laws of one thousand eight hundred and eighty-five (1885) of the state of Minnesota be and the same is hereby amended so as to read as follows:

Sec. 5. That said bridge when built by said town of Houston, Houston county, Minnesota, under the direction of the board of supervisors of said town and approved by said board of supervisors, they shall make a certified report of the same to the state auditor, showing the cost thereof, and upon the receipt of such report, properly certified, the state auditor shall issue a warrant on the state treasurer in favor of the treasurer of said township of Houston, for the sum of one hundred and thirty-six dollars and thirty-three and one-half cents (\$136.33½).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 393.

[H. F. No. 959.]

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND EIGHTY-FOUR (384) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING AN ACT TO GIVE JUSTICES OF THE PEACE IN AITKIN COUNTY JURISDICTION OVER THE COUNTY OF ITASCA IN THIS STATE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter three hundred and eighty-four (384) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby repealed.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

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## CHAPTER 394.

[S. F. No. 177.]

**AN ACT TO LEGALIZE ACKNOWLEDGMENTS TAKEN BY J. W. CHESTNUT, AS TOWN CLERK OF THE TOWNSHIP OF SIOUX VALLEY, IN JACKSON COUNTY, MINNESOTA, IN THE YEARS ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885) AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SIX (1886).**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That all acknowledgments of signatures to deeds and mortgages and other conveyances, and of the execution of the same, taken by J. W. Chestnut, as town clerk of the town of Sioux Valley, Jackson county, Minnesota, in the years one thousand eight hundred and eighty-five (1885) and one thousand eight hundred and eighty-six (1886), in which years he failed to file his bond with the clerk of court of said Jackson county and to perform other acts, be and the same are hereby legalized and made of the same validity as though such bond had been properly filed or other act performed, and the grants made by such deeds, mortgages and other conveyances are hereby declared to be legal and valid and effectual for all purposes.

*Provided*, that nothing herein contained shall in any manner affect the rights or title of any *bona fide* purchaser, without notice, for a valuable consideration, of any such real estate, prior to the passage of this act, and shall not apply to or affect any action or proceeding now pending in any court of this state.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 395.

[S. F. No. 813.]

**AN ACT RELATING TO THE SALARY OF THE COUNTY ATTORNEY OF JACKSON COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the salary of the county attorney of Jackson county be and is hereby fixed at the sum of five hundred dollars (\$500) per annum, payable in equal monthly installments, out of the county treasury of said county, upon the warrant of the county auditor of said county.

SEC. 2. Before this act goes into effect it shall be submitted to a vote of the qualified electors of said Jackson county at the general election of eighteen hundred and ninety-two (1892). At said election those voting in favor of the adoption of the rule prescribed by this act shall vote by a ballot containing the words, partly written or printed, or wholly written or printed, "For fixing salary of county attorney," and those opposed, "Against fixing salary of county attorney." Such votes shall be deposited in a separate box and shall be counted, canvassed and returned in the same manner as votes cast for county officers, and if it shall appear that a majority of the votes cast upon such question are in favor of fixing salary of county attorney, then the provisions of this act shall go into effect and said salary be fixed at five hundred dollars (\$500); if a majority are not in favor thereof then this act shall be of no further force or effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 396.

[H. F. No. 280.]

### AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF KANABEC COUNTY, MINNESOTA, TO LEVY SPECIAL SCHOOL TAXES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The county commissioners of Kanabec county shall, at their annual meeting in July, levy two (2) mills special school taxes, in addition to all other state, county or district taxes levied for school purposes, upon all taxable real and personal property in the county, to be extended and collected the same as other taxes.

SEC. 2. The county auditor shall, at the tax settlements in March, June and November, credit all special two (2) mill county school taxes collected to a fund kept separate from other school funds, and in March and June divide such fund equally between every duly organized school district in the county.

*Provided*, that any school district whose assessed valuation does not exceed thirty-five thousand dollars (\$35,000) may, at the annual school meeting, adopt a resolution, to be voted for by a majority of all voters present at such meeting, exempting the district from any levy of a two (2) mill special school tax for that year, a copy of such resolution to be transmitted to the county auditor on or before the first (1st) day of October; *Provided further*, that any school district exempt from this special tax shall not be entitled to any benefit or division of taxes collected for this purpose in the balance of the county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 397.

[H. F. No. 801.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF KANABEC COUNTY, MINNESOTA, TO APPROPRIATE MONEYS FOR ENCOURAGING IMMIGRATION.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of Kanabec county, Minnesota, are hereby authorized to expend the sum of six hundred dollars (\$600), out of the revenue fund of the county, for the purpose of encouraging immigration into said county.

SEC. 2. The said board of county commissioners shall, by a resolution, at an annual or special meeting of the board, authorize the county auditor to draw a warrant on the treasurer of said county, payable to the treasurer of the Kanabec County Immigration Society of Mora, Minnesota, after the following provisions have been complied with, to-wit:

*First*—The treasurer of the Kanabec County Immigration Society of Mora, Minnesota, shall file a certificate with the board of county commissioners that he is the treasurer of said society, duly signed by the president and countersigned by the secretary of said society.

*Second*—The treasurer of said society shall file a bond, payable to the board of county commissioners, in the sum of one thousand dollars (\$1,000), to be approved by said board.

SEC. 3. That on or before the first (1st) day of January, eighteen hundred and ninety-two (1892), the Kanabec County Immigration Society of Mora, Minnesota, shall file a true and correct account of all moneys expended during the year of said appropriation, said account to be duly sworn and subscribed to by the accounting officers of the society. And if the board of county commissioners find that said appropriation has been expended for the purposes intended, they shall release the treasurer of the society and his bondsmen; otherwise the bond remain in full force and effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 398.

[H. F. No. 838.]

AN ACT REQUIRING THE CLERK OF THE DISTRICT COURT OF KANDIYOHY COUNTY TO INDEX ALL CASES NOW OF RECORD IN HIS OFFICE, PURSUANT TO CHAPTER ONE HUNDRED AND EIGHTY-ONE (181), GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), AND FIXING HIS COMPENSATION THEREFOR.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The clerk of the district court in and for the county of Kandiyohi, in this state, shall, on or before the first (1st) day of October, A. D. eighteen hundred and ninety-one (1891), enter, in alphabetical order, by the name of each plaintiff and defendant, all cases now of record in his office, in such books as provided for by Chapter one hundred and eighty-one (181) of the General Laws of one thousand eight hundred and eighty-five (1885), and in the form and manner therein prescribed.

SEC. 2. The clerk of said court shall receive as compensation for the services to be rendered as provided for in section one (1), from said Kandiyohi county, the sum of ten (10) cents for each and every name so entered as aforesaid; *Provided*, that the said clerk of the district court shall receive pay only for indexing such cases as were filed in his office prior to March seven (7), one thousand eight hundred and eighty-five (1885).

SEC. 3. That said compensation shall be paid by the county commissioners of said county, upon the certificate of the judge of said court that the work herein provided for has been properly done.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 399.

[H. F. No. 877.]

AN ACT TO AMEND SECTION SIX (6) OF CHAPTER ONE HUNDRED AND EIGHTY-TWO (182) OF SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), IN RELATION TO BONDING KITTSOY COUNTY FOR THE ERECTION OF COURT HOUSE AND JAIL.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section six (6) of Chapter one hundred and eighty-two (182) of Special Laws of eighteen hundred and eighty-nine (1889), entitled an act authorizing the county commissioners of Kittson county to issue bonds for the purpose of building county buildings and sub-

mitting the same to a vote of the electors, be amended by striking out the words and figures, "twelve (12) and freeholder," in line five (5) of section six (6) of said chapter as printed in the special laws of eighteen hundred and eighty-nine (1889), and inserting in lieu thereof the words, "a majority of the voters, as appears from the last general election returns."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 400.

[H. F. No. 191.]

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LAC QUI PARLE COUNTY TO MAKE CERTAIN APPROPRIATIONS FOR BRIDGE PURPOSES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The county commissioners of Lac qui Parle county are hereby authorized to make such appropriations as in their judgment may seem expedient, of county funds, for constructing bridges upon roads other than county roads within the limits of Lac qui Parle county; such appropriation not to exceed the sum of fifteen hundred dollars (\$1500) in any one (1) year; and such bridges to be maintained and kept in repair and replaced when necessary by the respective town or towns in which they are situated.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved February 27, 1891.

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## CHAPTER 401.

[H. F. No. 1260.]

AN ACT TO MAKE PAUPERS A CHARGE UPON THE SEVERAL TOWNS AND INCORPORATED VILLAGES OF LAC QUI PARLE COUNTY

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That at the spring election of one thousand eight hundred and ninety-two (1892) there shall be submitted to the legal voters of Lac qui Parle county the question of adopting the town system of caring for the poor in said county. The ballots used at such election shall have written or printed, or partly written and partly printed, thereon the words, "The town system of caring for the poor—Yes—No;" and each elector voting on such question shall

erase, mark across or scratch out one (1) of said words "Yes" or "No" on said ballot and leave the other on the same when deposited in the ballot box; and no ballots shall be counted except those having one only of said words "Yes" or "No" thereon, unless otherwise provided by law.

The votes cast upon the question thus submitted shall be canvassed and returned in the same manner as votes for county officers; and if a majority shall be found to have voted in favor of the said change, the same shall take effect as soon as funds shall become available in the treasuries of the several towns, cities and villages in said county, for the support and care of the poor, in accordance with the provisions of Chapter one hundred and seventy (170) of the General Laws of one thousand eight hundred and eighty-nine (1889.)

SEC. 2. In case a majority of the votes cast shall be in favor of the town system, the relief and care of the poor in said county of Lac qui Parle shall be governed in all respects by Chapter one hundred and seventy (170) of the General Laws of one thousand eight hundred and eighty nine (1889), an act to authorize counties to change their system of caring for the poor.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 402.

[H. F. No. 16.]

### AN ACT TO AUTHORIZE THE COUNTY OF LAKE TO ISSUE BONDS FOR LAYING OUT, BUILDING AND IMPROVING COUNTY ROADS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of county commissioners of the county of Lake, in this state, are hereby authorized to issue the bonds of said county, to an amount not exceeding the sum of twenty thousand (\$20,000) dollars, for the purpose of laying out, building and improving county roads in said county; and the said board is hereby authorized to disburse the funds to be derived from the sale of said bonds.

SEC. 2. Said bonds shall bear interest at a rate not exceeding six (6) per cent per annum, payable annually, and the principal thereof shall become due and payable in such installments, and at such time or times, as the said board of county commissioners shall determine, in not less than five (5) years, nor more than twenty (20) years after the date of said bonds.

SEC. 3. Said bonds and the interest coupons attached shall be signed by the chairman of said board of county commissioners and be attested by the auditor of said county and be sealed with his seal and be made payable at such place in the state of Minnesota, and in such

denominations, as the board of county commissioners shall determine. The auditor of said county shall keep a record of all bonds issued, which record shall show the date, number and amount of each bond, the rate of interest, the time when due, the place where payable and the name of the party to whom issued.

**SEC. 4.** The proper authorities of the said county of Lake shall, annually, levy and collect, in addition to all other taxes, and in the same manner that other taxes are levied and collected, an amount sufficient to pay the interest on the bonds so issued, and when any principal is about to become due a sufficient amount to pay such principal.

**SEC. 5.** The said board of county commissioners are hereby given full authority to negotiate all of said bonds in such manner as in their judgment shall be for the best interests of said county, and for a sum not less than their par value.

**SEC. 6.** Before any bonds shall be issued under the provisions of this act, the proposition to issue the same shall first be submitted to a vote of the electors of said Lake county at a regular election, or at a regular election therefor, to be held in said county, at such places in said county and at such time as shall be determined by the board of county commissioners of said county; but at least one (1) voting place shall be established in each commissioner district for the purpose of voting upon said proposition.

If said proposition shall be submitted to a vote of the electors of said county at a regular election, then the same notices shall be given as are required by law for a regular election; if at a special election, the said board of county commissioners shall, before the holding of said special election, give twenty (20) days' public notice of the time and place of holding said special election, by posting in three (3) public places in each commissioner's district three (3) notices setting forth that a proposition for issuing said bonds will be voted upon at said election. The polling places shall be open from nine (9) o'clock in the morning until five (5) o'clock in the afternoon of the day appointed for said election. The notices herein provided for shall also state the hours during which the polls will be kept open for voting upon said proposition.

It is hereby made the duty of all officers of said county to comply with the directions of said board in preparing notices and other necessary arrangements for said election. The ballots shall have printed on them the following words: "For issue of bonds for laying out, building and improving county roads;" or, "Against issue of bonds for laying out, building and improving county roads."

Said vote shall be cast at said polling places in the same manner as votes are cast for county officers. The votes shall be canvassed in the same manner as votes cast for county officers, and if upon such canvass a majority of said votes cast shall be in favor of issuing said bonds as provided by this act, said bonds when issued in accordance with the provisions of this act shall be lawful and valid.

**SEC. 7.** That if a majority of the votes cast at said election shall be against the approval and issuing of said bonds, then said board of county commissioners are hereby authorized, at any time after six (6) months from said election, to again submit the question of approval and issuing said bonds to the legal voters of said Lake county, in the manner and form hereinbefore described; and if at said election a



majority of the votes cast shall be in favor of issuing said bonds, then said board of county commissioners shall issue said bonds in accordance with the provisions of this act, and they shall be lawful and valid.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

## CHAPTER 408.

[H. F. No. 786.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, MINNESOTA, TO BUILD A COURT HOUSE AND JAIL AND TO ISSUE COUNTY ORDERS OR WARRANTS IN PAYMENT THEREFOR.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of the county of Lyon, in the state of Minnesota, are hereby authorized to erect and complete a court house and jail at the county seat of said county, such court house and jail to cost, when completed, a sum not exceeding twenty-five thousand dollars (\$25,000). Nor shall said commissioners enter into any agreement with, or entertain any proposition, plans or specifications tendered by any person or persons, for the erection of such court house and jail to cost any sum in excess of the sum hereinbefore named; *Provided*, that the said court house and jail shall not be erected unless first authorized by a majority vote of the qualified voters voting thereon, at the election to be held as hereinafter provided.

SEC. 2. The said board of county commissioners is further authorized to use in payment for the erection of such court house and jail any and all sums now belonging, or which may hereafter come into, the county revenue, bond and interest funds of said county, not otherwise appropriated.

SEC. 3. Should the sums mentioned in section two (2) of this act be insufficient to pay for the erection and completion of such court house and jail, the said commissioners shall cause to be issued county orders or warrants for the balance remaining unpaid; such warrants shall draw interest at a rate not to exceed seven (7) per cent per annum and shall become due and payable at such time, not exceeding five (5) years after their issue, as the said commissioners may direct, and shall not be sold or disposed of for less than their par value; and all such warrants shall be payable out of the funds mentioned in section two (2) of this act.

SEC. 4. The said board is authorized to employ some suitable person to draft plans and specifications for the construction of such court house and jail, and may also employ a suitable person to act as supervising inspector of the construction of said building, and no money shall be paid or warrants issued for such construction except on the approval of such inspector.

**SEC. 5.** The proper authorities of the said county of Lyon shall, annually, include in the general tax levied in said county an amount sufficient to pay the interest on such orders as may be issued, and may, in addition to such sum levied for the payment of said interest, include a sufficient amount to pay said orders as they mature.

**SEC. 6.** The orders issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county and countersigned by the auditor and attested by his seal before the same shall be valid; and said auditor shall keep a record of all orders so issued, showing the number, dates, amounts, to whom issued and when and where payable.

**SEC. 7.** It is hereby made the duty of the county auditor of said county of Lyon to issue a call for a special election in and for said county, for the purpose of voting upon the question of erecting such court house and jail; and such auditor shall give notice of such election by the publication of such call in the official newspaper of said county, at least ten (10) days previous to the time fixed by him for holding such election, and shall also post a copy of such call, at least ten (10) days previous to such election, in each of the voting precincts of said county.

**SEC. 8.** Those voting in favor of the erection of such court house and jail shall have written or printed, or partly written and partly printed, on the ballots used the words, "For court house and jail;" and those voting against such erection shall have written or printed, or partly written and partly printed, on the ballots used the words, "Against court house and jail."

**SEC. 9.** Such election shall be held at the usual places for holding elections in said county and be conducted by the same officers and in the same manner as other elections; and it shall be the duty of the town clerks and village recorders of the several towns and villages in said county to make a true return to the county auditor of said county of the votes cast in his town or village, both for and against said proposition, within five (5) days after said election; and the votes shall be canvassed by the auditor and two (2) justices of the peace of said county, within ten (10) days after said election, and if a majority of said votes so canvassed shall be in favor of said proposition, then the said board of county commissioners shall proceed with the erection of such court house and jail, but not otherwise; *Provided*, that if such proposition is defeated at such election, it may be submitted at any future special election, to be called by the county auditor, upon filing in his office a petition therefor, signed by not less than two hundred (200) freeholders, legal voters in said county.

**SEC. 10.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 11.** This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

**CHAPTER 404.**

[S. F. No. 537.]

**AN ACT PROVIDING THAT EACH INCORPORATED CITY, VILLAGE OR TOWN IN MARSHALL COUNTY, HAVING WITHIN ITS LIMITS PERSONS RESIDENT THEREIN WHO ARE DESTITUTE OR NEED ASSISTANCE, SHALL PROVIDE FOR THE SAME.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That such destitute persons, or those needing assistance, resident within the limits of any city, incorporate village or town in Marshall county, shall be the charge of the city, village or town in which they reside.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 19, 1891.

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**CHAPTER 405.**

[S. F. No. 472.]

**AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MARSHALL COUNTY, ON CERTAIN CONDITIONS, TO APPROPRIATE MONEY FROM THE GENERAL FUND OF SAID COUNTY TO AID IMMIGRATION.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the board of county commissioners of Marshall county be and the same are hereby authorized, on presentation of petitions signed by a majority of the voters of said county, as shown by the number of votes polled at the last election, asking for an appropriation from the general fund of the county to aid in securing immigration, then said commissioners may thereupon appropriate from the general fund of said county the sum of eight hundred (800) dollars for the purpose above mentioned.

**SEC. 2.** The moneys so appropriated shall not be paid except on itemized accounts showing the services rendered and expenses incurred and sworn to by the person or persons rendering such services and incurring such expenses.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

**CHAPTER 406.**

[S. F. No. 859.]

**AN ACT TO REPEAL SECTION ONE (1) OF CHAPTER TWO HUNDRED AND SEVENTY-EIGHT (278), LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), RELATING TO RUNNING AT LARGE OF DOMESTIC ANIMALS IN CERTAIN COUNTIES.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That section one (1) of Chapter two hundred and seventy-eight (278), Special Laws of one thousand eight hundred and eighty-three (1883), entitled "An act to amend Chapter two hundred and twenty-three (223), laws of one thousand eight hundred and seventy-seven (1877), relating to running at large of domestic animals in certain counties," be and the same is hereby repealed.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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**CHAPTER 407.**

[S. F. No. 162.]

**AN ACT TO PROHIBIT THE DISCHARGE OF FIREARMS AT OR ABOUT MUD LAKE, IN THE TOWNS OF COSMOS AND CEDAR MILLS, IN MEEKER COUNTY, MINNESOTA.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** Hereafter it shall be unlawful for any person to discharge or shoot firearms upon Mud lake, in the towns of Cosmos and Cedar Mills, in the county of Meeker, or within one-half ( $\frac{1}{2}$ ) mile of the shores of said Mud lake.

**SEC. 2.** Any person violating the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine of not less than ten dollars (\$10), nor more than one hundred dollars (\$100), or by imprisonment in the county jail for a period not less than ten (10) days nor more than thirty (30) days.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

**CHAPTER 408.**

[S. F. No. 251.]

AN ACT TO AUTHORIZE THE DRAINAGE OF "SCHULTZ LAKE," SO CALLED, SITUATED IN SECTIONS THIRTY-FIVE (35) AND TWENTY-SIX (26), TOWNSHIP ONE HUNDRED AND TWENTY (120), RANGE THIRTY-ONE (31), MEEKER COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That Charles Youngstrom, Charles Schultz, John Schultz, H. I. Peterson and such other persons as may join with them for this purpose, are hereby authorized to drain a certain marshy meandered lake, situated in sections thirty-five (35) and twenty-six (26), township one hundred and twenty (120), range thirty-one (31), Meeker county, Minnesota, known as Schultz lake.

SEC. 2. That in order to carry out the provisions of this act the consent of all persons owning land abutting on the meander lines of said lake shall be obtained, in writing, and filed in the office of the register of deeds of Meeker county, Minnesota.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

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**CHAPTER 409.**

[S. F. No. 514.]

AN ACT TO LEGALIZE THE ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF MEEKER COUNTY IN MAKING SETTLEMENT WITH THE BONDSMEN OF STEVENS & COMPANY UPON BOND GIVEN BY SAID STEVENS & COMPANY AS DEPOSITARY OF PUBLIC MONEY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. All actions and proceedings of the board of county commissioners of Meeker county, in relation to the settlement with the bondsmen of Stevens & Company upon bond given by said Stevens & Company as depositaries of public money, are hereby in all things confirmed and legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

**CHAPTER 410.**

[H. F. No. 112.]

**AN ACT TO PERMIT THE RUNNING AT LARGE CERTAIN DOMESTIC ANIMALS IN THE TOWN OF HOME LAKE, COUNTY OF NORMAN, STATE OF MINNESOTA.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** It shall be lawful for any person or persons to allow cattle, horses, mules, sheep or other domestic animals, except bulls over one year of age, owned by such person or persons, having control or may be in possession, to run at large upon the highway, or upon the lands of other person or persons, during the seasons between the twentieth (20th) day of September and the first (1st) day of May, each year, in the township of Home Lake, Norman county, state of Minnesota.

**SEC. 2.** *Provided*, that the provisions of section one (1) of this act shall not take effect and be in force until the question has been submitted to the legal voters of said town of Home Lake for approval or rejection at the next annual town meeting in said town. The ballots cast at said town meeting on the question shall read, "Stock to run at large—Yes;" or, "Stock to run at large—No." And the said ballots shall be cast at said town meeting in the usual manner of voting, and shall be canvassed by the usual means and method; thereupon, if it be found that a majority of the votes cast on the question are in the affirmative then this act takes effect and be in force.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.

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**CHAPTER 411.**

[S. F. No. 272.]

**AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MORRISON TO ISSUE BONDS FOR THE PURPOSE OF EQUIPPING AND FURNISHING THE COURT HOUSE IN THE VILLAGE OF LITTLE FALLS, IN SAID MORRISON COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the board of county commissioners of said the county of Morrison, in the state of Minnesota, are hereby authorized and empowered to issue, at any time prior to the first (1st) day of January, A. D. one thousand eight hundred and ninety-three (1893), the bonds of said county, with or without interest coupons attached thereto, not exceeding in amount the sum of fifteen thousand dollars

(§15,000), for the purpose of equipping and furnishing the court house with light, sewers, water and furniture in the village of Little Falls, in said county of Morrison.

SEC. 2. That the said bonds shall be in such sums, of not less than five hundred dollars (\$500), each with interest not exceeding five (5) per cent per annum, payable annually, and the principal shall be payable in not less than ten (10), nor more than thirty (30) years, as the said board of county commissioners may decide; *Provided*, that said bonds may be made payable at different times and in different years within said limit. Said bonds and interest coupons attached thereto shall be signed by the chairman of the said board of county commissioners and countersigned by the auditor of said county.

SEC. 3. That the said board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interest of said county; *Provided*, that said bonds shall not be sold at less than par.

SEC. 4. That said board of county commissioners shall, and they are hereby authorized and empowered to, levy an annual tax on the taxable property of said county, over and above and in addition to all other taxes allowed and required by law to be levied, sufficient to pay the interest accruing on said bonds as they shall mature; which taxes shall be levied and collected in the same manner as other taxes for county purposes are levied and collected, and no part of said taxes so collected shall be appropriated for any other purpose than the payment of said bonds and interest thereon.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 412.

[S. F. No. 787.]

AN ACT TO AUTHORIZE THE TOWN OF PIERZ, MORRISON COUNTY, TO  
ISSUE BONDS IN AID OF THE CONSTRUCTION OF THE LITTLE  
FALLS, MILLE LACS & LAKE SUPERIOR RAILWAY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The town of Pierz, Morrison county, is hereby authorized, by a vote of a majority of the members of its town board, subject to the approval and ratification of the legal voters as hereinafter provided, to issue, within three (3) years from the passage of this act, its bonds, in an amount not exceeding in the aggregate the sum of thirty thousand (\$30,000) dollars, for the use and benefit of any person or corporation in building a steam railway from said Little Falls, in an easterly direction, to some point on Lake Superior, in the state of Minnesota, or in the state of Wisconsin, known as and called "The Little Falls, Mille Lacs & Lake Superior Railway."

SEC. 2. Said bonds shall be for the principal sum of not less than five hundred dollars (\$500), nor more than one thousand dollars

(**\$1,000**) each, made payable at such times, within thirty (30) years from the date of their issue, as the town board may designate. Said bonds shall be drawn payable to the bearer or order of the person or company to whom they may be delivered, as the town board may deem best, and shall draw interest, payable semi-annually, at the rate of not to exceed five (5) per cent per annum, to be represented by coupons to said bonds attached. Said bonds shall be signed by the chairman of the town board and attested by the clerk of the town of Pierz.

Both the principal and interest on said bonds shall be made payable at some bank in the city of New York, or to some bank in the city of St. Paul, as said town board may prescribe.

SEC. 3. Before any bonds shall be issued under the authority hereby granted, the question whether they shall or shall not be issued shall be submitted at a regular general election, or at a special election to be called for that purpose, upon a petition to be signed by ten (10) resident freeholders of said town, asking that the question of aiding in the construction of said railway as above provided, and stating the amount desired to be furnished as such aid, be submitted to the legal voters of said town of Pierz. It shall be the duty of said town board, as hereby provided, to immediately give notice of such election, by posting copies thereof in five (5) public places in said town, at least fifteen (15) days before such election, which notice shall specify the time and place of holding such election, the amount of bonds proposed to be issued by the town of Pierz, the time of payment and rate of interest to be paid on such bonds, and the terms of issue and delivery of the same; and the vote at such election shall be by ballot. Those voting in favor of issuing said bonds shall have written or printed, or partly written and partly printed, on their ballots the words, "For issuing railway bonds—Yes;" and those against the issue of said bonds shall have written or printed, or partly written and partly printed, on their ballots the words, "For issuing railway bonds—No." If the majority of the votes cast at said election shall have been for the issue of the bonds, said bonds may be issued and delivered upon compliance with the conditions in the next section expressed; otherwise said bonds shall not be issued.

SEC. 4. Although the proposed issue of said bonds shall have been approved by said town in the manner above prescribed, the same shall not be issued under this act unless and until such person or company shall have graded, constructed, ironed and built and made ready for use ten (10) miles of said railway, in aid of the construction of which said bonds are authorized, said ten (10) miles to begin at such point in the city of Little Falls as has been selected by said person or company as a station.

SEC. 5. The town board of said town of Pierz shall, annually, levy a tax in an amount sufficient to pay the interest on said bonds, and also, at the proper time, to pay the principal of said bonds when due. Said tax shall be levied and collected as other taxes are levied and collected.

SEC. 6. In case of the submission of the question of issuing bonds as aforesaid, and the same having been voted down in said town, the same question, upon a new petition, may be again submitted in the same manner and have the same effect as it would at the previous special election; *Provided*, that no more than one (1) special election under this act shall be held in said town of Pierz in any one (1) year, unless upon the day of a general and town election in said town.



SEC. 7. All acts and part of acts inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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## CHAPTER 413.

[S. F. No. 780.]

AN ACT TO AUTHORIZE THE TOWN OF AGRAM, MORRISON COUNTY, TO ISSUE BONDS IN AID OF THE CONSTRUCTION OF THE LITTLE FALLS, MILLE LACS & LAKE SUPERIOR RAILWAY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The town of Agram, Morrison county, is hereby authorized, by a vote of a majority of the members of its town board, subject to the approval and ratification of the legal voters, as hereinafter provided, to issue, within three (3) years from the passage of this act, its bonds, in an amount not exceeding in the aggregate the sum of ten thousand dollars (\$10,000), for the use and benefit of any person or corporation in building a steam railway from said Little Falls, in an easterly direction, to some point on Lake Superior, in the state of Minnesota or in the state of Wisconsin, known as and called "The Little Falls, Mille Lacs & Lake Superior Railway."

SEC. 2. Said bonds shall be for the principal sum of not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1,000) each, made payable at such time, within thirty (30) years from the date of their issue, as the town board may designate. Said bonds shall be drawn payable to the bearer or order of the person or company to whom they may be delivered, as the town board may deem best, and shall draw interest, payable semi-annually, at the rate of not to exceed five (5) per cent per annum, to be represented by coupons to said bonds attached. Said bonds shall be signed by the chairman of the town board and attested by the clerk of the said town of Agram.

Both principal and interest on said bonds shall be made payable at some bank in the city of New York or at some bank in the city of St. Paul, as said town board may prescribe.

SEC. 3. Before any bonds shall be issued under the authority hereby granted, the question whether they shall or shall not be issued shall be submitted at a regular general election, or at a special election to be called for that purpose, upon a petition to be signed by ten (10) resident freeholders of said town asking that the question of aiding in the construction of said railway as above provided, and stating the amount desired to be furnished as such aid, be submitted to the legal voters of said town of Agram. It shall be the duty of said town board, as hereby provided, to immediately give notice of such election, by posting copies thereof in five (5) public places in said town, at least fifteen (15) days before such election, which said notice shall

specify the time and place of holding such election, the amount of bonds proposed to be issued by the town of Agram, the time of payment and the rate of interest to be paid on such bonds, and the terms of issue and delivery of the same; and the vote at such election shall be by ballot. Those voting in favor of issuing said bonds shall have written or printed, or partly written and partly printed, on their ballots the words, "For issuing railway bonds—Yes;" and those voting against the issue of said bonds shall have written or printed, or partly written and partly printed, on their ballots the words, "For issuing railway bonds—No." If the majority of the votes cast at said election shall have been for the issue of the bonds, said bonds may be issued and delivered upon compliance with the conditions in the next section expressed; otherwise said bonds shall not be issued.

SEC. 4. Although the proposed issue of said bonds shall have been approved by the said town in the manner above prescribed, the same shall not be issued under this act unless and until such person or company shall have graded, constructed, ironed and built and made ready for use ten (10) miles of said railway, in aid of the construction of which said bonds are authorized, said ten (10) miles to begin at such point in the city of Little Falls as has been selected by said person or company as a station.

SEC. 5. The town board of said town of Agram shall, annually, levy a tax, in an amount sufficient to pay the interest on the said bonds, and also at the proper time to pay the principal of said bonds when due. Said tax shall be levied and collected as other taxes are levied and collected.

SEC. 6. In case of the submission of the question of issuing bonds as aforesaid, and the same having been voted down in said town, the same question, upon a new petition, may be again submitted in the same manner, and have the same effect as it would at the previous special election; *Provided*, that no more than one (1) special election under this act shall be held in said town of Agram in any one (1) year, unless upon the day of a general or town election in said town.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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## CHAPTER 414.

[H. F. No. 827.]

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MURRAY COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A NEW COURT HOUSE, AND SUBMITTING THE SAME TO A VOTE OF THE ELECTORS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of county commissioners of the county of Murray, in the state of Minnesota, are hereby authorized and empowered to issue, pursuant to the provisions of Chapter one hundred

and ninety-three (193) of the General Laws of the state of Minnesota for eighteen hundred and eighty-seven (1887), the bonds of said county, not exceeding in amount the sum of twelve thousand dollars (\$12,000), for the purpose of erecting and completing a new court house in the village of Slayton, in said county of Murray; *Provided, however*, that the said county commissioners of Murray county shall not issue said bonds until they have been authorized to do so by the electors of said Murray county as hereinafter provided.

SEC. 2. That said bonds shall be in such sums of not less than five hundred dollars (\$500) each, with interest not exceeding five (5) per cent per annum, payable annually, and the principal shall be payable in not less than ten (10), nor more than thirty (30) years, as the board of county commissioners may decide.

*Provided*, that said bonds may be made payable at different times and in different years within said limit. Said bonds and interest coupons attached thereto shall be signed by the chairman of the said board of county commissioners and countersigned by the auditor of said county; subject, however, to all the conditions of said Chapter one hundred and ninety-three (193) of the General Laws of Minnesota for eighteen hundred and eighty-seven (1887).

SEC. 3. The said proposition to vote said bonds to be submitted to the electors of said Murray county at any general election, or at a special election called for the purpose by said county commissioners, at any time after the passage of this act, upon petition presented to them, signed by one hundred (100) freeholders of said county, requesting that said special election be called, or requesting that said proposition be submitted to the electors of said county at the general election therein designated; and it is hereby made the duty of the several town and village clerks in said county to give notice of the same, in the same manner as notice of annual or special town meetings or elections are by law required to be given, that said proposition will be submitted to a vote of the electors at such meeting or election, and which notices shall state substantially the amount of bonds proposed to be issued; but the failure of any town or village clerk to give notice as hereinbefore provided shall not invalidate such election. Those voting in favor of said issue of bonds shall have written or printed, or partly written and partly printed, on the ballots used the words, "For issuing of bonds for court house;" and those voting against the same, the words, "Against issuing of bonds for court house." And the voting shall be conducted in the same manner as prescribed by law at the election of town or village officers; and the vote shall be counted, returned and canvassed in the same manner as votes cast for county officers; and if upon such canvass it appears that a majority of all the votes cast on said proposition shall be in favor of issuing said bonds, the board of county commissioners shall act, and not otherwise.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 415.

[H. F. No. 1172.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MURRAY COUNTY TO REIMBURSE CERTAIN PERSONS FOR MONEYS EXPENDED IN MAINTAINING THEIR TITLES TO OFFICE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the county auditor of Murray county, state of Minnesota, be and he is hereby authorized to draw his warrant upon the treasurer of said county in favor of Charles F. Norwood and Ole Open respectively, of such sums as the board of county commissioners of said county shall upon proper inquiry find to have been expended by each of said named persons in maintaining his title to the office of county commissioner of said county. The county treasurer of said county is hereby authorized to pay said respective warrants out of the general revenue fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

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## CHAPTER 416.

[H. F. No. 1169.]

AN ACT TO AUTHORIZE THE TOWNSHIP OF MURRAY, MURRAY COUNTY, TO ISSUE ITS BONDS TO AID IN THE CONSTRUCTION OF A COURT HOUSE AND COUNTY BUILDINGS IN THE VILLAGE OF CURRIE, IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of supervisors of the township of Murray, in Murray county, Minnesota, are hereby authorized and empowered to issue the bonds of said township to aid in the construction of a court house and county buildings in the village of Currie, in said county.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred dollars (\$100), nor larger than five hundred dollars (\$500), and shall not in the aggregate exceed the sum of fifteen thousand dollars (\$15,000), and may bear interest at a rate not to exceed seven (7) per cent per annum, payable annually. The principal of said bonds shall be payable in not less than ten (10), nor more than twenty (20), years from the date of issue.

SEC. 3. Said bonds and the coupons for interest shall be signed by the chairman of the board of supervisors and attested by the town clerk, and the town clerk shall keep an accurate record of the amounts of such bonds and to whom issued.

SEC. 4. The board of supervisors of said township shall levy, annually, from and after the issue of said bonds, a sufficient tax upon the taxable property of said township to pay the interest that shall become due upon said bonds for that year, and shall, in addition thereto, levy, annually, a sufficient tax to form a sinking fund for the payment of the principal of the said bonds when they shall become due.

SEC. 5. The proposition to issue said bonds shall be submitted to a vote of the electors of said township, at a special election held therein, at the usual place of holding elections therein, at such time after the passage of this act as shall be designated by the board of supervisors, by notices signed by the town clerk and posted in three (3) of the most public places in said township, for at least ten (10) days before said election. The ballots to be voted at said election shall have written or printed, or partly written and partly printed, thereon the words, "In favor of issuing court house bonds—Yes;" or the words, "In favor of issuing court house bonds—No;" and if a majority of the votes cast at such election are in favor of the issue of such bonds, the board of supervisors of said town shall issue said bonds accordingly. If the majority of the votes so cast are against the issue of said bonds, said bonds shall not be issued.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

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## CHAPTER 417.

[H. F. No. 108.]

AN ACT TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE BONDED INDEBTEDNESS CREATED AND ISSUED BY THE TOWN OF RED ROCK, IN MOWER COUNTY, MINNESOTA, TO THE SOUTHERN MINNESOTA RAILROAD COMPANY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It is hereby made the duty of the state auditor to ascertain from the bonds registered in his office the amount of principal and interest due and accrued and to accrue upon the bonds created and issued by the town of Red Rock, in the county of Mower, Minnesota, on the ninth (9th) day of March, A. D. one thousand eight hundred and seventy-one (1871), to the Southern Minnesota Railroad Company, and falling due in twenty (20) years from the date thereof.

And the said auditor shall make a certificate showing such amount, and transmit the same to the county auditor of the county of Mower, at the same time with other taxes to be levied for the ensuing year; and the county auditor of said county of Mower, from the basis

of the valuation of the taxable property for the year A. D. one thousand eight hundred and eighty-eight (1888), in the villages of Dexter and Brownsdale and the towns of Dexter and Red Rock which comprised the territory of Red Rock at the time said bonds were issued, shall estimate and determine the rate per centum on the valuation of the taxable property within said villages and towns for the year A. D. one thousand eight hundred and eighty-eight (1888), as aforesaid, requisite to meet and satisfy the amount of principal and interest due and to come due for that year, together with the ordinary costs to the state, of collection and disbursement of the same. And the amount so certified by the state auditor and the costs of collecting the same shall thereupon be added to and form a part of the per centum or amount which is or may be levied as provided by law for purposes of state revenue, and shall be so treated by any and all officers or authority in determining levies and making estimates, duplicates and books for the collection of taxes, and the said tax shall be collected with the state revenue; and all law relating to the collection of state revenue shall apply thereto except as herein otherwise provided. But no village or town shall be required to pay more than its proportion or share which such village or town ought to pay of said indebtedness, as based on the assessed valuation of the taxable property of said villages or towns for the year A. D. one thousand eight hundred and eighty-eight (1888).

SEC. 2. The taxes so collected shall be paid by the county treasurer upon the warrant of the county auditor of Mower county, issued to the person or persons presenting the bonds or coupons therefor, if authorized to receive the same. Each bond or coupon so redeemed shall be effectually canceled by the said county auditor, and by him transmitted to the village or town paying the same, and the proper officer of such organization shall return to the county auditor his proper receipt for the amount of the bonds or coupons so remitted, which receipt the said county auditor shall file in his office as his sufficient authority for auditing the claim and issuing his said warrant.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 418.

[S. F. No. 257.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NICOLLET COUNTY TO PAY THE LICENSE MONEY COLLECTED FROM THE SALES OF INTOXICATING LIQUORS IN THE TOWN OF WEST NEWTON, IN SAID COUNTY, TO THE TREASURER OF SAID TOWN.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That all moneys collected from the sales of intoxicating liquors in the town of West Newton, in Nicollet county, shall be paid into the county treasury of said county, for the sole use and benefit of said town of West Newton.

SEC. 2. It shall be the duty of the county treasurer of said Nicollet county to pay over to the treasurer of the town of West Newton, in said county, all moneys collected as license money for the sale of intoxicating liquors in said town. Said money to be paid by said county treasurer to said town treasurer at any time, upon demand, and the same shall become and be a part of the general revenue fund of said town, and be subject to expenditure in the same manner as other funds belonging to said town.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

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## CHAPTER 419.

[H. F. No. 221.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NORMAN COUNTY, MINNESOTA, TO ISSUE BONDS TO FUND PART OF THE BONDED INDEBTEDNESS OF SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of county commissioners of the county of Norman and state of Minnesota are hereby authorized and empowered to issue the bonds of said Norman county, to an amount not exceeding ten thousand dollars (\$10,000), with interest coupons attached, for the purpose of funding the bonds of ten thousand dollars (\$10,000) of said county, becoming due April first (1st), one thousand eight hundred and ninety-two (1892).

SEC. 2. The said bonds shall be in sums of not less than five hundred dollars (\$500) each, nor more than one thousand dollars (\$1,000) each, and shall bear interest at a rate not exceeding five (5) per cent per annum, payable annually. The principal shall become due at such time or times as the board of county commissioners may by a resolution determine, not less than five (5) years, nor more than ten (10) years, from the date of issue of said bonds.

SEC. 3. The bonds and interest coupons attached, issued under the provisions of this act, shall be signed by the chairman of the board of county commissioners of said Norman county and attested by the auditor of said county.

SEC. 4. The auditor of said county shall keep a record of said bonds, showing the date, number and amount of each bond, the rate of interest, the time when due, the place where payable and the name of the party to whom issued.

SEC. 5. The proper authorities of the county shall annually levy, in addition to all other taxes, an amount sufficient to pay the interest on the bonds so issued, and they shall also in like manner levy a sufficient amount of taxes to pay such principal when due.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 420.

[S. F. No. 214.]

**AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF OLMSTED COUNTY, MINNESOTA, TO APPROPRIATE MONEYS FOR THE PURPOSE OF BUILDING BRIDGES IN SAID COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** The board of county commissioners of the county of Olmsted and state of Minnesota may, in their discretion, at any regular or special meeting held by them, appropriate, for the purpose of building bridges on any road laid out or to be laid out in Olmsted county, Minnesota, a sum not exceeding one-half (½) the cost price of the superstructure of bridge.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 421.

[H. F. No. 163.]

**AN ACT TO REPEAL THAT PORTION OF SECTION FIVE (5), CHAPTER THREE HUNDRED FIFTY-EIGHT (358) OF SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), WHICH RELATES TO PUBLISHING THE MONTHLY STATEMENT OF THE CLERK OF COURT OF OTTER TAIL COUNTY, MINNESOTA.**

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** That the proviso of section five (5), Chapter three hundred fifty-eight (358) of Special Laws of one thousand eight hundred and eighty-seven (1887), authorizing the county auditor to cause the monthly statement of the clerk of court of Otter Tail county, Minnesota, to be published, be and the same is hereby repealed.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.



## CHAPTER 422.

[H. F. No. 162.]

AN ACT TO REPEAL THAT PORTION OF SECTION FIVE (5), CHAPTER THREE HUNDRED AND FIFTY-SIX (356), OF SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), WHICH RELATES TO PUBLISHING OF THE MONTHLY STATEMENT OF THE REGISTER OF DEEDS OF OTTER TAIL COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the proviso of section five (5), Chapter three hundred and fifty-six (356), of Special Laws of one thousand eight hundred and eighty-seven (1887), authorizing the county auditor to cause the monthly statement of the register of deeds of Otter Tail county, Minnesota, to be published, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.

## CHAPTER 423.

[H. F. No. 823.]

AN ACT REGULATING THE SALARIES AND FEES OF CERTAIN COUNTY OFFICERS OF OTTER TAIL COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The following named officers of Otter Tail county shall hereafter each receive an annual salary of fifteen hundred (1500) dollars, to-wit: county auditor, register of deeds, clerk of court, judge of probate, superintendent of schools.

Hereafter the annual salary of the county treasurer of said county shall be sixteen hundred (1600) dollars and that of the county attorney shall be twelve hundred (1200) dollars.

SEC. 2. The salaries hereinbefore provided shall respectively be paid in twelve (12) annual installments, one (1) at the end of each month, by the county treasurer, out of the treasury of the county, upon the warrant of the county auditor.

SEC. 3. The sheriff of said county shall be entitled to receive for his services, in lieu of other compensation, seventy (70) per centum of the fees and compensation provided by section eleven (11) of Chapter seventy (70) of the General Statutes one thousand eight hundred and seventy-eight (1878), or by any other law of the state now applicable to said county, save as hereinafter otherwise provided.

For boarding prisoners he shall be allowed three (3) dollars per week. He shall be allowed the reasonable fees paid to any printer by said sheriff for publishing an advertisement of sale. In cases where mileage is not expressly provided he shall be entitled to expenses necessarily incurred by him and such other compensation for travel as the board of county commissioners shall allow him.

SEC. 4. The said sheriff shall hereafter keep, during the years one thousand eight hundred and ninety-one (1891) and one thousand eight hundred and ninety-two (1892), in a proper book to be prepared for the purpose, an exact account of all business of his office for each day, and of all moneys received and disbursed by him as such sheriff on such day, which said book shall be kept in his office and open to public inspection at all reasonable times.

On the first Monday of April, July, October and January of said years, and each and every year thereafter, he shall file with the county auditor a statement of all fees received and disbursements made by him as such sheriff.

SEC. 5. All parts of acts, so far as the same may be inconsistent with the provisions of this act, are hereby repealed; *Provided*, that nothing in this section contained shall apply to section eleven (11) of Chapter thirty (30) of General Statutes of one thousand eight hundred and seventy-eight (1878), nor to any general law of this state applicable to the office of sheriff.

SEC. 6. This act shall not apply to the salary or fees of any officer named in sections one (1) and three (3) thereof until from and after the first Monday in January, A. D. one thousand eight hundred and ninety-three 1893.

Approved April 6, 1891.

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## CHAPTER 424.

[S. F. No. 565.]

### AN ACT TO REGULATE THE SALARIES, COMPENSATION AND FEES OF CERTAIN COUNTY OFFICERS OF POLK COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the annual salary of the county auditor of said Polk county shall be fifteen hundred dollars (\$1500) for his personal services, and in addition thereto he shall be allowed for clerk hire a sum not exceeding twenty-five hundred dollars (\$2500) in any one year.

SEC. 2. The annual salary of the county treasurer of said Polk county shall be fifteen hundred dollars (\$1500) for his personal services, and in addition thereto he shall be allowed for clerk hire a sum not exceeding thirteen hundred dollars (\$1300) in any one (1) year.

SEC. 3. The annual salary of the register of deeds of said county shall be fifteen hundred dollars (\$1500), and in addition thereto he shall be allowed for clerk hire a sum not exceeding eighteen hundred dollars (\$1800) in any one year; *Provided, however*, that the fees in said office shall remain the same as now fixed by law, and the whole

thereof shall be paid monthly by the register into the county treasury, taking the treasurer's receipt therefor; the said money to be applied to the current expenses of the county.

SEC. 4. The annual salary of the clerk of the district court of said Polk county shall be fifteen hundred dollars (\$1500) for his personal services, and in addition thereto he shall be allowed for clerk hire a sum not exceeding six hundred dollars (\$600) in any one year; *Provided, however,* that the fees in said office shall remain the same as are now prescribed by law, and the whole of said fees shall be paid monthly by such clerk into the county treasury, taking the treasurer's receipt therefor. The said money shall be applied to the current expenses of said county.

SEC. 5. The county attorney of said county of Polk shall receive an annual salary of twelve hundred and fifty dollars (\$1,250) for his personal services, and in addition thereto the sum of ten dollars (\$10) per month for office rent, postage, blanks, fuel, stationery and light.

SEC. 6. The county superintendent of schools of said county shall receive an annual salary of fifteen hundred dollars (\$1500) for his personal services, and in addition thereto shall be allowed an assistant, who shall be appointed by the superintendent, the appointment to be approved by the superintendent of public instruction, and shall be paid a salary of eight hundred dollars (\$800) per year. Such assistant shall be a practical teacher and shall hold when appointed a first grade certificate, issued in the state of Minnesota.

SEC. 7. The annual salary of the judge of probate of said Polk county shall be fourteen hundred dollars (\$1400), and no clerk hire shall be allowed.

SEC. 8. The county officers aforesaid to be provided, at the county's expense, with the necessary offices at the court house, and with all necessary fuel, lights, blanks, books, postage, stationery and supplies needed and used in their official business, the same to be provided by the county commissioners; *Provided,* that if a sufficient number of offices cannot be had at the court house, then additional offices shall be furnished such officers in the business part of the city of Crookston, at a cost not to exceed ten dollars (\$10) each per month; *Provided,* this section shall not apply to the county attorney.

SEC. 9. The salaries of each of said officers, their clerks, assistants and deputies shall be hereafter paid monthly, out of the county treasury, on the warrant of the auditor; *Provided,* that no sum shall be paid, nor any warrant drawn therefor, to any deputy, clerk or assistant until the officer and such assistant, clerk or deputy shall both subscribe and swear to and file with the county auditor an affidavit, stating that said service was necessary, was actually performed, and that no part thereof has been paid, and that no part thereof inures to or benefits said officer, either directly or indirectly, and that said officer gets no rebate out of, or portion of, such sum so paid to any deputy, clerk or assistant.

SEC. 10. The county commissioners of said county shall not be allowed to draw mileage for attending more than four (4) meetings of the board during any one year, except upon the joint affidavit of the county board declaring that said meeting or meetings are or were absolutely necessary and indispensable.

SEC. 11. If it shall appear by the oath of any of the above named officers who are herein allowed clerk hire that such officer has de-

voted his time to discharging the duties of his office, and that the maximum amount herein provided for clerk hire for such office has been actually and necessarily expended therefor, and that the same was inadequate and insufficient, then the board of county commissioners may, by unanimous vote, allow such sum, in addition to the maximum amount herein provided for clerk hire, as is actually necessary to procure the completion of the work of such office.

SEC. 12. The sheriff and constables of said county of Polk shall be allowed, respectively, to charge for their services seventy-five (75) per cent only of the fees, mileage or other compensation heretofore allowed by law for such service in said offices.

The sheriff shall make an annual report to the county auditor, showing the total amount of moneys received by him in said office of sheriff, and the expenses of conducting the same during the year; said report to be signed, subscribed and sworn to before some officer authorized to administer oaths.

SEC. 13. The clerk of the district court, register of deeds and sheriff of said county shall keep a cash book, in which shall be entered the receipts of each day.

SEC. 14. All special acts and parts of acts inconsistent herewith are repealed so far as they conflict with the provisions of this act.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 425.

[H. F. No. 670.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF POLK, IN THE STATE OF MINNESOTA, TO APPROPRIATE FROM THE GENERAL FUND OF SAID COUNTY A SUM OF MONEY FOR THE PURPOSE OF PROMOTING IMMIGRATION TO THE RED RIVER VALLEY IN SAID STATE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of county commissioners of the county of Polk, in the state of Minnesota, is hereby authorized to appropriate, out of the general fund of said county, a sum of money, not to exceed the sum of one thousand dollars (\$1,000), for the purpose of promoting and encouraging immigration to the Red River valley, in the state of Minnesota.

SEC. 2. Said sum of money, not exceeding one thousand dollars (\$1,000), shall be payable to the "Board of Immigration of the Red River Valley of Minnesota," upon the order of the board of county commissioners of said county of Polk, and not otherwise.

SEC. 3. Said sum of money, not exceeding one thousand dollars (\$1,000), shall be paid to said "Board of Immigration of the Red River Valley of Minnesota" for legitimate expenses incurred by said board, promoting and securing immigration into said Red River val-

ley, and only upon a duly itemized and verified statement of expenses so incurred by said board in the performance of its said duties, and not otherwise.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved April 22, 1891.

## CHAPTER 426.

[H. F. No. 286.]

AN ACT TO AMEND "AN ACT TO ESTABLISH THE SALARIES OF CERTAIN OFFICERS OF RAMSEY COUNTY," BEING CHAPTER THREE HUNDRED AND SIXTY-THREE (363) OF THE SPECIAL LAWS OF A. D. EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887), RELATING TO THE FEES OF THE SHERIFF OF RAMSEY COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the fourteenth (14th), fifteenth (15th) and sixteenth (16th) lines of page nine hundred and eighty-seven (987) of the Special Laws of eighteen hundred and eighty-seven (1887), the same being a part of Chapter three hundred and sixty-three (363) of the Special Laws of said year, which now read as follows:

"For serving a summons or any process issued by a court of law, one (1) dollar for the first defendant served, and fifty (50) cents for each additional," be and the same hereby is amended so as to read as follows:

"For serving a summons or any process issued by a court of law, one (1) dollar for the first defendant served, and fifty (50) cents for each additional, and he shall receive the same fees for the services required in serving, or attempting to serve, the notice on the person in possession of mortgaged premises in the foreclosure of a mortgage by advertisement that he is authorized to receive in serving, or attempting to serve, a summons."

SEC. 2. That the thirtieth (30th), thirty-first (31st) and thirty-second (32d) lines of page nine hundred and eighty-seven (987) of the Special Laws of eighteen hundred and eighty-seven (1887), the same being part of Chapter three hundred and sixty-three (363) of the Special Laws of said year, which now read:

"Selling lands on execution or decree, and executing certificate or deed, and for all services required in making such sale, the sum of ten (10) dollars," be and the same is hereby amended so as to read as follows:

"Selling lands on execution or decree, and executing certificate or deed, and for all services required in making such sale, the sum of three (3) dollars."

SEC. 3. That the nineteenth (19th) and twentieth (20th) lines of page nine hundred and eighty-eight (988) of the Special Laws of eighteen hundred and eighty-seven (1887), the same being a part of Chapter three hundred and sixty-three (363) of the Special Laws of said year, which read:

“Attending court, three dollars (\$3) per day, each for himself and two (2) deputies, during jury trials only,” be and the same is hereby amended so as to read as follows:

“Attending court, two dollars and fifty cents (\$2.50) per day for each deputy or bailiff required and ordered by the district court of said Ramsey county, or any judge thereof, to be in attendance upon said court or judge during any trial or hearing, and three dollars (\$3) per day for each deputy required and ordered by any judge of said court for attendance upon the grand jury. Said order, to be valid, shall be entered upon the minutes of the court, and it shall specify the name of the judge making the order; and if the deputy is ordered for attendance upon the grand jury, said order shall so specify; and if the deputy or bailiff is ordered for attendance upon the judge during any trial or hearing, said order shall so specify. In case said sheriff performs any of said services, he shall be entitled for his services to the same compensation that he would receive had a deputy or bailiff performed said services. Said sheriff shall be entitled to a certificate from the clerk of said court, directed to the auditor of said county, for the compensation for services named and ordered under this provision of this act; and said certificate shall specify the name of each person doing the services and the day of the week, month and year on which said services were rendered; and said certificate to be valid shall be countersigned and indorsed by one of the judges of said district court as being just, true and correct. Said auditor, upon said certificate being presented, shall take up, preserve and file the same and issue a warrant, under his seal, directed to the county treasurer, for the payment of the amount named therein; and said warrant shall specify in substance the matters set forth in said certificate. Upon the presentation of said warrant to the treasurer of said county, he shall pay the same. Said warrant shall be drawn in favor of said sheriff, or to his order, and shall be indorsed by the person who may present the same for payment before the same is paid, and said treasurer shall be responsible for the validity or genuineness of any indorsement thereon.”

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1891.

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## CHAPTER 427.

[H. F. No. 367.]

AN ACT REGULATING THE PAYMENT OF CLERK HIRE IN THE OFFICE OF THE JUDGE OF PROBATE OF RAMSEY COUNTY, SPECIFIED IN CHAPTER FOUR HUNDRED AND FOURTEEN (414) OF THE SPECIAL LAWS OF THE YEAR A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It shall be the duty of the judge of probate of Ramsey county, immediately upon the passage of this act and as often as there

is any change in the name or compensation of any of the clerks in his office, to certify under his hand and seal, to the auditor of Ramsey county, the name of the chief clerk in his office and the date when he entered upon such employment; and, also, the name of each of the two (2) additional clerks provided for by Chapter four hundred and fourteen (414) of the Special Laws of eighteen hundred and eighty-nine (1889), and the date when each entered into service as such clerk and the amount of monthly compensation to be paid to each out of said fifteen hundred dollars (\$1500) provided for in said act; and said auditor shall file said certificate in his office, and thereafter, on the first day of each month, he shall draw his warrant on the treasurer of said county in favor of each clerk named in said certificate, for the amount of said monthly compensation due and owing to such clerk; and upon the presentation of said warrant, duly indorsed by the person named therein, said treasurer shall pay the same; and all other methods of paying said clerks the compensation named in said Chapter four hundred and fourteen (414) are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 428.

[H. F. No. 661.]

### AN ACT TO REGULATE THE PAYMENT OF MONEY OUT OF THE TREASURY OF RAMSEY COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. No money shall be paid out of the treasury of Ramsey county, Minnesota, for any services rendered said county, or for any services or for any material for which said county is liable, save upon the warrant of the county auditor of said Ramsey county, and said warrant shall distinctly specify the legislative act and the section thereof, or resolution or order under which said warrant is drawn, and the same shall be drawn in favor of the person performing the services or furnishing the material for which said money is to be paid.

SEC. 2. Any officer of said county who under any law of this state is entitled to any sum or amount for clerk hire or who is entitled to any clerk or assistant in the performance of his official duties, shall, in writing, certify to the county auditor the name of such clerk or assistant, the date of his appointment and the amount of compensation it is stipulated he is to receive; and whenever said clerk or assistant named in said certificate ceases to act as such, and whenever a new clerk or assistant is appointed, said officer shall forthwith certify the same, and as aforesaid, to said county auditor.

SEC. 3. Upon the presentation to said treasurer of a warrant drawn as aforesaid, the treasurer of said Ramsey county is authorized to pay the same to the person named in said warrant, after said

person has indorsed said warrant; *Provided*, the law, resolution or order, specified in said warrant shall, together with this act, legally authorize the payment of same.

SEC. 4. Nothing contained in this act shall be construed to increase the fees, salary or compensation now provided by law for the performance of any official duties or for the performance of any work or services for which said county of Ramsey is liable. The word "person" in this act shall be held also to include any company or corporation.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 429.

[H. F. No. 389.]

### AN ACT TO DIRECT THE DISPOSITION OF CERTAIN TOWN, ROAD AND SCHOOL FUNDS IN THE COUNTY OF RAMSEY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The auditor of the county of Ramsey is hereby directed and required to transfer to the general revenue fund of the city of St. Paul all funds that are now or that may hereafter come to the credit of the following funds, to-wit: Reserve town fund, McLean town fund, Reserve town road fund, McLean town road fund.

SEC. 2. The auditor of the county of Ramsey is hereby directed and required to transfer to the general fund of the board of education of the city of St. Paul all funds that are now or that may hereafter come to the credit of the following funds, to-wit: School district number eight (8), school fund; school district number nine (9), school fund; school district number eleven (11), school fund; school district number twenty-two (22), school fund; school district number twenty-seven (27), school fund; school district number thirty (30), school fund; *Provided, however*, that all moneys that on the first (1st) day of January, eighteen hundred and ninety-one (1891) stand to the credit of the following funds, to-wit: The school fund of school district number eight (8); the school fund of school district number nine (9); the school fund of school district number twenty-two (22), shall be and constitute a fund to be expended by said board of education for the following purposes, to-wit: All moneys which stand on said date to the credit of the school fund of school district number twenty-two (22) shall be expended in the care, maintenance and embellishment of the grounds of the Fisher Ames school building situate within the boundaries of said school district; and that all moneys which on said date stand to the credit of the school fund of school district number eight (8) and to the credit of the school fund of school district number nine (9) shall be expended by said board of education in the repair, maintenance, care, enlargement and embellishment of the school buildings and grounds within the boundaries of said district known as Quincy school and John Mattocks school.



SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

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## CHAPTER 430.

[H. F. No. 530.]

AN ACT TO REGULATE THE TAKING OF ICE FROM SILVER LAKE, RAMSEY COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. It shall hereafter be unlawful for any person or persons to cut, take or carry away, or otherwise meddle with, any ice on that body of water lying within the village limits of the village of North St. Paul, Ramsey County, Minnesota, known as "Silver lake," except it be done by and with the consent of the village council of said village, and then under such regulations and restrictions as have been or may hereafter be provided by ordinance of said village council.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than five (5) nor more than fifty (50) dollars for each offense.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 431.

[H. F. No. 749.]

AN ACT TO LEGALIZE THE EXPENDITURE OF THREE THOUSAND DOLLARS (\$3,000) BY THE BOARD OF COUNTY COMMISSIONERS OF RAMSEY COUNTY, DURING THE YEAR EIGHTEEN HUNDRED AND NINETY (1890), FOR THE BENEFIT OF CYCLONE SUFFERERS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the expenditure of the sum of three thousand dollars (\$3,000) by the board of county commissioners of the county of Ramsey, during the year eighteen hundred and ninety (1890), for the benefit of, and the appropriation of the same to the relief of, certain

sufferers from a cyclone occurring in said county in the month of July, eighteen hundred and ninety (1890), be and the same is hereby legalized, ratified and approved in the manner and form and in the various amounts in which the same was appropriated and expended by said board of county commissioners.

SEC. 2. This act shall be in force from and after its passage.

Approved March 20, 1891.

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## CHAPTER 432.

[H. F. No. 1013.]

### AN ACT TO LEGALIZE THE ACTS OF THE COUNTY COMMISSIONERS OF RAMSEY COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the claims heretofore allowed by the county commissioners of Ramsey county to the sheriffs for attendance of bailiffs on court be and the same is hereby ratified and confirmed.

SEC. 2. The board of county commissioners of said Ramsey county are hereby authorized to allow the sheriffs' claims for like services of bailiffs for the months of January and February, one thousand eight hundred and ninety-one (1891).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1891.

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## CHAPTER 433.

[H. F. No. 753.]

### AN ACT IN RELATION TO THE COMPENSATION OF JURORS IN THE DIS- TRICT COURTS OF RAMSEY COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That no person who is excused from service as a juror in the district court of Ramsey county, without having actually served as a juror, shall receive any compensation for his attendance as such juror; *Provided*, this act shall not apply to such jurors as may be excused from serving on any one case but who are required to remain in further attendance upon the court.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 434.

[S. F. No. 470.]

AN ACT TO AUTHORIZE THE MANITOU ISLAND LAND AND IMPROVEMENT COMPANY TO REPAIR AND MAINTAIN AN AVENUE AND BRIDGE IN RAMSEY COUNTY, AND LEGALIZING THE SURVEY AND PLAT THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The Manitou Island Land and Improvement Company, a corporation of this state, its successors or assigns, is hereby authorized and empowered, at its own expense, at any and all times when the same may be necessary, to repair, reconstruct and maintain the avenue and bridge which was laid out and constructed under and by virtue of Chapter one hundred and fifty-three (153) of the Special Laws of the extra session of the legislature of this state for the year eighteen hundred and eighty-one (1881), from a point on the northerly end of Manitou or Spirit island in White Bear lake, in Ramsey county, across said lake and to the point where said avenue intersects the southerly line of Lake avenue, in the town of White Bear, in said county.

SEC. 2. The survey and plat of said avenue and bridge which was filed and recorded in the office of the register of deeds of said Ramsey county on the twenty-seventh (27th) day of February, eighteen hundred and ninety-one (1891), be and the same is hereby taken and considered for all purposes as a true and accurate survey of said avenue and bridge and as a full compliance with the provisions of said Chapter one hundred and fifty-three (153).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 435.

[S. F. No. 784.]

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF RAMSEY COUNTY, MINNESOTA, TO REPAIR AND IMPROVE A HIGHWAY WITHIN THE LIMITS OF THE VILLAGE OF NEW BRIGHTON.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of Ramsey county is hereby authorized to repair, bridge or otherwise improve that part of the highway known as the Barlow road, which lies within the limits of the village of New Brighton, and to pay the costs of such improvements out of the funds usually used for the repair or construction of roads in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

**CHAPTER 486.**

[H. F. No. 1245.]

**AN ACT TO AUTHORIZE THE COUNTY AUDITOR OF RAMSEY COUNTY TO CONSTITUTE THE VILLAGE OF NEW BRIGHTON A SEPARATE ASSESSMENT DISTRICT.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The county auditor of Ramsey county, Minnesota, is hereby authorized to constitute that portion of the township of Mounds View, in said county, incorporated as the village of New Brighton, a separate assessment district.

**SEC. 2.** The said county auditor is hereby authorized and directed to extend any tax levied by said village of New Brighton for village purposes to all the territory in said township of Mounds View, in said Ramsey county, incorporated as the village of New Brighton.

**SEC. 3.** This act is to be in force and take effect from and after its passage.

Approved April 13, 1891.

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**CHAPTER 487.**

[H. F. No. 1151.]

**AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RAMSEY COUNTY TO WIDEN ANY ROAD OR HIGHWAY HERETOFORE LAID OUT IN SAID COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That in all cases where a public road and highway has been laid out, located, operated and traveled in the county of Ramsey, which said road as at present laid out is of the width of four (4) rods, that the board of county commissioners of said county of Ramsey are hereby authorized to widen such road to the width of six (6) rods.

**SEC. 2.** That in the widening of any such road as aforesaid, the said county commissioners shall proceed in the same manner as is now provided by the general statutes of the state of Minnesota for the laying out, location and establishment of roads in more than one (1) town, and not within the limits of any incorporated city, except that before proceeding to so widen said road, it shall not be necessary that any petition therefor should be filed with said board of county commissioners, nor shall it be necessary to obtain the consent of any of the property owners along said road or elsewhere to the widening of said road.

**SEC. 3.** This act shall be in force from and after its passage.

Approved April 13, 1891.

**CHAPTER 438.**

[H. F. No. 1176.]

**AN ACT TO DESIGNATE THE COUNTY COMMISSIONER DISTRICTS IN  
RAMSEY COUNTY.***Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the commissioner districts of Ramsey county be and the same are hereby declared to consist of the following territory: Commissioner district number one (1) shall consist of the townships of Rose and Mounds View and the village of New Brighton, and shall elect one (1) commissioner; and commissioner district number two (2) shall consist of the townships of New Canada and White Bear and the villages of White Bear and North St. Paul, and shall elect one (1) commissioner; and commissioner district number three (3) shall consist of the city of St Paul, and shall elect four (4) commissioners.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

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**CHAPTER 439.**

[H. F. No. 1006.]

**AN ACT TO PROVIDE FOR AND TO SPECIFY THE BONDS TO BE GIVEN  
BY THE PUBLIC OFFICERS OF THE COUNTY OF RAMSEY.***Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That each of the following named county officers of the county of Ramsey shall give and file, as hereinafter provided, a bond to the state of Minnesota, in the amounts respectively as hereinafter named, to-wit: Clerk of the district court, twenty-five thousand dollars (\$25,000); register of deeds, ten thousand dollars (\$10,000); county treasurer, five hundred thousand dollars (\$500,000); sheriff, twenty-five thousand dollars (\$25,000); county auditor, twenty-five thousand dollars (\$25,000); county attorney, five thousand dollars (\$5,000); judge of probate, ten thousand dollars (\$10,000); county assessor, ten thousand dollars (\$10,000); county surveyor, one thousand dollars (\$1,000).

**SEC. 2.** Each of the above named bonds shall be conditioned in the same manner and subject to all the rules and regulations and in the same form as is now prescribed by law for said bonds. And each of the same shall be respectively executed by the above named county officers with two (2) or more sufficient sureties, which said sureties shall justify in the aggregate in the amount of the bond signed by them. Said bonds when so executed shall be delivered to the county auditor of the county of Ramsey, and shall be, if proper in form, ap-

proved of by the board of county commissioners, if the sureties thereon are satisfactory to said board. And upon being approved as aforesaid the same shall be, at the expense of the officer giving the same, by said county auditor filed for record in the office of the register of deeds of said Ramsey county, and shall be by said register of deeds recorded at length in the records of said county, and thereafter, immediately, by said register of deeds transmitted to the secretary of state of the state of Minnesota.

SEC. 3. Each of the officers of said Ramsey county named in section one (1) of this act now serving their terms of office in said county shall file the bond herein designated and required on or before the first (1st) day of May, A. D. one thousand eight hundred and ninety-one (1891); *Provided, however*, that where said officers have already given a bond as required by law such bond and the amount thereof shall be taken and deemed to be a part of the bond herein required, and said present officers shall only be required to give such additional bond as may be necessary to make the entire amount of their bonds equal to the sum herein required for their said respective bonds.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

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## CHAPTER 440.

[H. F. No. 1200.]

AN ACT TO REDUCE THE COMPENSATION AND FEES PAID OFFICERS AND EMPLOYES OF THE COUNTY OF RAMSEY, MINNESOTA, AND TO REGULATE THE DUTIES OF CERTAIN OF SAID OFFICERS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That from and after the time herein specified, the clerk of the district court, the register of deeds and the sheriff of Ramsey county, Minnesota, shall make and file with the auditor of Ramsey county, on or before the first (1st) meeting in each month of the board of county commissioners of said county, an itemized statement, showing the total receipts, fees, emoluments and charges of each of their respective offices for the preceding month, the amount of the same collected during said month, and the amount remaining unpaid and uncollected at the end of said month; and, as to such uncollected portion, the names of the persons by whom the same is owing and the amount thereof, which said report shall be verified by the oath of the officer making the same as being full, true and correct; and each of said officers shall, before the filing of said report, pay in to the county treasurer of the county of Ramsey, twenty-five (25) per cent of the gross amount of said fees, charges and emoluments so made and earned during said preceding month, and shall attach to said report said treasurer's receipt for said amount. And it is hereby made the duty of the treasurer of Ramsey county upon the receiving of said sum, as hereinabove specified, to issue to the officer paying the same his re-

ceipt therefor in duplicate; *Provided, however*, that the clerk of the district court, register of deeds and sheriff of Ramsey county, shall each be entitled to retain sufficient of said fees, so that each of said officers shall receive from their respective offices a net income of five thousand dollars (\$5,000) per annum. And at the time hereby specified for the making of any of said reports, each of said officers shall be entitled to retain from and out of the fees, collections and receipts of said office received by him during the preceding month a sufficient amount to make up the proportionate amount of said five thousand dollars (\$5,000) per annum, which shall then have been earned by him; and which said salary shall be deemed to have commenced on the first (1st) day of January of each and every year; but neither said clerk, register of deeds or sheriff shall have any claim upon said county, nor shall said county be liable to said officers, for any compensation over and above said fees; *And provided further*, that the clerk of the district court, the register of deeds and the sheriff of Ramsey county, now serving their respective terms of office in said county, shall not be required to pay said amounts to said county of Ramsey during their present respective terms, nor shall this section take effect as to said officers until the expiration of their said present respective terms.

SEC. 2. That for the faithful performance of all the duties of the office of the county assessor of Ramsey county, said county assessor shall receive out of the treasury of said Ramsey county the following amounts to-wit: In odd numbered years nine thousand five hundred dollars (\$9,500) per annum, to be paid as follows: For the months of April, May, June and July, one thousand five hundred dollars (\$1,500) per month; and the remainder of said annual salary, to-wit, three thousand and five hundred dollars (\$3,500), shall be paid in eight (8) equal monthly installments. And in the even numbered years said assessor's salary shall be the sum of eleven thousand five hundred dollars (\$11,500) per annum, payable as follows: For the months of April, May, June and July, two thousand dollars (\$2,000) per month, and the remainder of said annual salary, to-wit, the sum of three thousand five hundred dollars (\$3,500), in eight (8) equal monthly installments; each and every of said payments to be made monthly and said payments shall be in lieu of and in full for all clerk hire and assistance of every kind in making a complete assessment of all the property of said county for taxation and performing all the acts necessary in the performance of the duties of the said office, including the services of said assessor as a member of the county board of equalization; *Provided*, the salary for April eighteen hundred ninety-one (1891), shall be the sum of twelve hundred sixty-four dollars (\$1264).

SEC. 3. The abstract clerk of Ramsey county shall receive no salary, fee or compensation from the county of Ramsey from and after the first (1st) day of May, eighteen hundred ninety-one (1891), nor shall any clerk or assistant employed by said abstract clerk in the performance of the duties of his said office receive any salary, fee or compensation from the county of Ramsey from and after the first (1st) day of May, eighteen hundred ninety-one (1891).

SEC. 4. The abstract clerk of Ramsey county shall have the custody and control of the abstract books and records of said Ramsey county, and shall, upon demand of any person, furnish to such person, upon the payment of the fee herein provided for, abstracts of title to any real estate in the county of Ramsey as shown upon said abstract

books. And for such abstract of title, said abstract clerk shall be entitled to receive therefor the following fees: For each conveyance shown upon said abstract, fifteen (15) cents, and for his certificate thereto, fifty (50) cents; and, in addition thereto, such fees as he shall be required by law to pay the clerks of the district court and of the United States circuit court for certificates as to judgments as now provided by law.

SEC. 5. Hereafter no claim shall be made upon the county of Ramsey by either clerk of the district court of said county or the clerk of the United States court, nor shall said county of Ramsey be liable to either of said clerks for any certificate as to judgments against any person furnished to said abstract clerk; but said abstract clerk shall be personally responsible to each of said officers for all such services so rendered by them.

SEC. 6. On or before the first (1st) meeting in each month of the board of county commissioners of Ramsey county, said abstract clerk shall make and file with the county auditor of said county a true and correct account of all fees of every name and nature received, collected and earned by him as such abstract clerk, and in and about said office during the preceding month, which said report shall be verified by the oath of the abstract clerk as being full, true and correct, and shall be distinctly itemized. Before the filing of said report said abstract clerk shall pay to the county treasurer of the county of Ramsey, for the use of said county, and into the treasury of said county, ten (10) per cent of the gross amount of said fees so charged and earned by him during said preceding month, and upon the payment thereof to the said treasurer he shall issue to said abstract clerk his receipt therefor in duplicate, one (1) of which receipts shall be attached to said report before the filing thereof; *Provided*, the present abstract clerk shall not be required to pay said fees to said county until the expiration of his present term.

SEC. 7. All the books, records, files and papers in the abstract office of said Ramsey county or which may be hereafter purchased, made or filed in said office, shall be the sole and exclusive property of the county of Ramsey, and it is hereby made the duty of the abstract clerk to keep said abstract records accurately posted and complete, and all the records in the office of the register of deeds of said Ramsey county shall be by said abstract clerk abstracted into said books in said abstract office, so that the records of the said abstract office shall contain a complete and accurate abstract of the records in the office of the register of deeds. And for that purpose said abstract clerk and his assistants shall have free access to the records in said office of the register of deeds.

SEC. 8. It is hereby made the duty of the present abstract clerk of Ramsey county, on or before the first (1st) day of September, eighteen hundred ninety-one (1891), to have the records of his said office accurately posted and completed, as specified in the foregoing section, in ink, in the books and records of said abstract office, up to and including the thirty-first (31st) day of August, eighteen hundred and ninety-one (1891); and thereafter to keep said abstract records so completed and posted so that the same shall be a complete abstract of the record of said office of the register of deeds at all times, except as to such instruments or conveyances which may have been filed for record in the office of said register of deeds within twenty-four (24) hours then last past.



SEC. 9. It is hereby made the duty of the county attorney of Ramsey county, on or before the first (1st) meeting of the board of county commissioners of said county in September, eighteen hundred and ninety-one (1891), to make an examination of the office of said abstract clerk, and at such meeting to report to said board of county commissioners as to whether or not the duties herein imposed upon said abstract clerk with reference to the making and keeping of said records have been performed; and if at the time of making such report it shall appear that said abstract clerk has failed to accurately make said records in the manner and within the time herein required, it shall be the duty of said board of county commissioners to declare said office vacant; and said neglect upon the part of said abstract clerk shall forfeit his said office, and said office shall thereupon become vacant, and it shall be the duty of said board of county commissioners to elect some suitable person as abstract clerk, who shall hold his office during the unexpired term of said abstract clerk so removed and until his successor is elected and qualified.

SEC. 10. Except as hereinabove provided, said abstract clerk, for the faithful performance of the duties of his said office, shall retain the fees and charges received by him in said office, which said fees and charges shall cover all clerk hire and assistants of every name and nature required for the faithful and full discharge of said office.

SEC. 11. Said abstract clerk, before entering upon the duties of said office, shall give a bond to the state of Minnesota in the sum of twenty thousand dollars (\$20,000) with two (2) or more sureties, who shall be freeholders of the state of Minnesota, and justify, in the aggregate, in the amount of said bond, and such persons shall be accepted and approved by the board of county commissioners of Ramsey county; which said bond shall be conditioned for the full, faithful and accurate performance of all the duties of his said office and shall be, at the expense of said abstract clerk, filed for record in the office of the register of deeds, and after being recorded shall be transmitted by said register of deeds to the secretary of state of Minnesota. The present abstract clerk shall furnish said bond on or before May first (1st), eighteen hundred and ninety-one (1891).

SEC. 12. Any person who may sustain damages by reason of the neglect or failure of said abstract clerk to perform the duties required of him by law may maintain an action therefor upon said bond in any court of competent jurisdiction; *Provided*, that nothing herein contained shall be deemed to take away the right of the county of Ramsey or the board of county commissioners of said county to maintain an action on said bond for any loss said county may sustain by reason of any failure or neglect of duty on the part of said abstract clerk.

SEC. 13. The county auditor, county treasurer and chairman of the board of county commissioners of Ramsey county shall constitute a purchasing committee for all stationery and office supplies required for the use of all county officers of said Ramsey county. On or before the first (1st) day of January of each and every year said purchasing committee shall advertise for sealed bids for all such stationery and office supplies required by said county during the ensuing year; and at the first (1st) meeting of the board of county commissioners in each year said bids shall be opened and the contract for such stationery and supplies shall be by said purchasing committee awarded to the lowest responsible bidder therefor, if in the discretion of said committee any

one (1) of said bids is sufficiently low; but if in the opinion of said committee no one (1) of said bids is sufficiently low, they shall readvertise for bids; which bids so received as the result of said readvertisement shall be opened at the first (1st) meeting of said board of county commissioners in February of each year, and said contract shall then be awarded to the lowest responsible bidder. Each of said bids shall be published in the official paper of said county once, and at least once in some daily paper published in the city of St. Paul, and said publications shall be at least five (5) days prior to the meeting of said board of county commissioners.

SEC. 14. Said supplies when so purchased shall be in the custody of the county auditor of Ramsey county, and shall be only issued by him to the officers of said Ramsey county upon the requisition of the officer requiring the same. Said requisition shall be in writing and itemized and signed by the officer so requiring said stationery or office supplies.

SEC. 15. That hereafter, when any county officer or other person shall render or present a bill to the board of county commissioners of Ramsey county for any services performed by him for which he may be in any manner entitled to compensation from said county, such bill shall be distinctly itemized and shall show each and every item of charge, cost or disbursement claimed or for which said bill is rendered.

SEC. 16. Whenever it shall be deemed necessary in the opinion of the board of county commissioners of Ramsey county to send any agent or person outside of the limits of the state of Minnesota for the purpose of bringing to the county of Ramsey any person charged with a crime for trial in said county, the board of county commissioners may appropriate a sufficient sum, upon the recommendation of the county attorney of said Ramsey county, to defray the expenses of such person so sent as aforesaid; *Provided however*, that the sum so appropriated shall not exceed five (5) cents per mile for each and every mile necessarily traveled by the person so sent and the necessary expenses of such person while engaged in the performance of said duty. And it shall be the duty of the person so sent, before said expenses shall be audited or allowed, to present to the board of county commissioners an itemized and verified account thereof under oath, which said verification shall contain the statement that said expenses have been actually incurred and that the same were necessary.

SEC. 17. Whenever the sheriff of said Ramsey county is entitled to fees for the attendance of bailiffs upon any court or for the bringing of prisoners before such court for examination, the same shall not be audited or allowed by the board of county commissioners of Ramsey county until such fees shall have been certified to as correct by the judge of the court before whom said bailiffs attended or such person is brought.

SEC. 18. The clerk of the district court of the county of Ramsey shall receive no fee, compensation or emolument from said county for the performance of any of the duties imposed upon by him by Chapter one hundred and fourteen (114) of the General Laws of the State of Minnesota for the year eighteen hundred and eighty-seven (1887), relating to vital statistics.

SEC. 19. For searching the judgment docket books of his office and certifying to the existence or non-existence of judgments docketed

therein the clerk of the district court of Ramsey county shall receive the sum of fifteen (15) cents for each name so searched for and fifteen (15) cents for each judgment found and entered on the certificates, and for each certificate fifteen (15) cents.

SEC. 20. All acts and parts of acts inconsistent herewith are hereby repealed, whether such act requires by its terms that it shall not be repealed unless specifically mentioned or otherwise.

SEC. 21. This act shall take effect and be in force from and after its passage, except as otherwise herein provided.

Approved April 26, 1891.

## CHAPTER 441.

[H. F. No. 136.]

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF RENVILLE TO APPROPRIATE MONEY TO PAY FOR THE CONSTRUCTION OF BRIDGES ON TOWN ROADS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the county commissioners of the county of Renville be and hereby are authorized to appropriate the sum of fifteen hundred and eighty dollars (\$1580) for the construction of bridges on town roads as follows:

The sum of five hundred dollars (\$500) for a bridge across the Minnesota river near the village of Franklin.

The sum of five hundred dollars (\$500) for a bridge across the Minnesota river near the village of Morton.

The sum of five hundred dollars (\$500) for a bridge in the town of Sacred Heart, across the Minnesota river, and the sum of eighty dollars (\$80) for a bridge in the town of Winfield.

SEC. 2. The county auditor of said county, upon the order of the board of county commissioners, shall draw his warrants on the county treasurer to the order of the person or persons to whom the said commissioners shall make the appropriation specified in section one (1) of this act, which warrants shall be paid by said treasurer out of any money in the treasury of said county not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

## CHAPTER 442.

[S. F. No. 615.]

### AN ACT TO LEGALIZE CERTAIN HIGHWAYS IN THE COUNTY OF RENVILLE, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all public roads and highways within the county of Renville, Minnesota, which have been opened and in use as such and included in a road district in the town in which the same are respectively situated during five (5) years next preceding the time when this act shall take effect, are hereby declared public highways or roads and confirmed and established as such, whether the same have been lawfully laid out, established and opened or not.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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## CHAPTER 443.

[H. F. No. 1145.]

### AN ACT TO FIX THE SALARY OF COUNTY OFFICERS FOR RENVILLE COUNTY, AND AUTHORIZING THE COMMISSIONERS OF SAID COUNTY TO PROVIDE CLERKS FOR CERTAIN OFFICES, AND THAT CERTAIN FEES COLLECTED BE PAID INTO THE COUNTY TREASURY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the salaries of the various county officers of the county of Renville specified in this act be and the same are hereby fixed as follows :

The salary of county auditor is hereby fixed at one thousand two hundred (\$1,200) dollars per annum.

The salary of county treasurer is hereby fixed at one thousand two hundred dollars (\$1,200) per annum.

The salary of judge of probate is hereby fixed at nine hundred dollars (\$900) per annum.

The salary of register of deeds is hereby fixed at one thousand two hundred dollars (\$1,200) per annum.

The salary of superintendent of schools is hereby fixed at nine hundred dollars (\$900) per annum.

The salary of clerk of court is hereby fixed at nine hundred dollars (\$900) per annum.

The salary of the county attorney is hereby fixed at six hundred (\$600) dollars per annum.

SEC. 2. The commissioners of said Renville county are hereby authorized and empowered to furnish the auditor, treasurer and register of deeds, in their discretion, with necessary assistance or clerk hire; *Provided however*, that the amount of such clerk hire furnished such officers in any one (1) year shall not exceed the sum of six hundred dollars (\$600) clerk hire for the auditor, the sum of five hundred dollars (\$500) clerk hire for the register of deeds, and the sum of two hundred dollars (\$200) clerk hire for the treasurer.

SEC. 3. All fees authorized by law to be collected by any officer of said Renville county specified herein, when this act shall become effective, shall be collected by said officers respectively.

SEC. 4. The whole amount of fees collected as provided in section three (3) of this act shall be paid over to the county treasurer at the end of each quarter and not later than the first (1st) Monday in April, July, October and January in each year.

SEC. 5. Said officer or officers shall at the time of paying the fees collected by them into the county treasury, make and place on file with the county auditor a statement in detail as to fees collected by them, showing the source from which and the names of persons from whom received. Said statement shall be subscribed and sworn to by the officer making the same. The said statement shall remain on file in the office of the county auditor, and open to the inspection of any person concerned.

SEC. 6. The annual financial statement made by the commissioners of said county shall contain the amounts collected separately by the different officers of said county.

SEC. 7. The officers of said county, specified herein, or clerks employed in any office, shall be entitled to receive their salary in monthly installments, and the auditor is hereby authorized to draw a warrant on the county treasury, at the end of each month, in favor of the several officers of said county, to the amount of their respective salaries for one (1) month.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the first (1st) day of January, one thousand eight hundred and ninety-two (1892.)

Approved April 20, 1891.

## CHAPTER 444.

[H. F. No. 385.]

**AN ACT TO AMEND SECTION TWO (2) OF CHAPTER THREE HUNDRED AND FORTY-NINE (349) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING ENTITLED "AN ACT TO REGULATE AND FIX THE COMPENSATION OF THE COUNTY AUDITOR AND COUNTY TREASURER OF ST. LOUIS COUNTY, MINNESOTA, AND CLERK HIRE FOR THE SAME."**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section two (2) of Chapter three hundred and forty-nine (349) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

**Sec. 2.** The board of county commissioners of said county is hereby authorized to appropriate, out of the general funds of said county, for clerk hire in the office of such county treasurer such sum as they shall deem expedient, not exceeding six thousand (6,000) dollars per annum. They are hereby authorized and empowered to appropriate, out of the general funds of said county, for clerk hire in the office of the county auditor of said county such sum as they may deem expedient, not exceeding in amount the sum of eight thousand (8,000) dollars per annum.

**SEC. 2.** All special acts or parts of acts conflicting with this act are hereby repealed.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 445.

[H. F. No. 384.]

**AN ACT TO FIX THE COMPENSATION OF CERTAIN COUNTY OFFICERS OF ST. LOUIS COUNTY, MINNESOTA.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the compensation of the county commissioners of St. Louis county shall be seven hundred and fifty (750) dollars per annum, payable in monthly installments, out of the county treasury, upon the warrant of the county auditor; *Provided*, that whenever any commissioner lives more than ten (10) miles from the county seat of said county he shall receive one hundred (100) dollars per annum, in addition to said sum for mileage.

SEC. 2. That the compensation of the county attorney of St. Louis county shall be twenty-five hundred (2500) dollars per annum, to be paid in monthly installments, out of the county treasury, upon the warrant of the county auditor.

SEC. 3. That the compensation of the assistant county attorney of St. Louis county shall be one thousand (1,000) dollars per annum, to be paid in monthly installments, out of the county treasury, upon the warrant of the county auditor.

SEC. 4. The county commissioners of St. Louis county are hereby authorized to reduce, by majority vote of the board, the salary of said county attorney to not less than eighteen hundred (1800) dollars per annum, and the salary of the assistant county attorney to not less than seven hundred (700) dollars per annum.

SEC. 5. All acts or parts of acts that conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

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## CHAPTER 446.

[H. F. No. 425.]

AN ACT TO FIX THE COMPENSATION OF THE SHERIFF OF ST. LOUIS COUNTY FOR BOARDING PRISONERS CONFINED IN THE COMMON JAIL OF ST. LOUIS COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the sheriff of St. Louis county shall be allowed the sum of three dollars and fifty cents (\$3.50) per week for boarding prisoners confined in the common jail of said county, which said sum shall include the washing for said prisoners while so confined; and said sheriff shall receive no other compensation, directly or indirectly, for boarding prisoners required by law to be received by him in said jail.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 447.

[S. F. No. 571.]

## AN ACT RELATING TO GRAND AND PETIT JURORS OF THE COUNTY OF ST. LOUIS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That one of the judges of the district court of the eleventh judicial district of the state of Minnesota, residing in the county of St. Louis, together with the judge of probate and the auditor of said county, shall, annually, on some day during the month of March of every year, at the court house in said county, select from the qualified electors of said county four hundred (400) persons, properly qualified, to serve as grand and petit jurors, and shall make out a list thereof; which list shall be certified by one (1) of the judges of said court, and forthwith delivered to the clerk of the district court of said county; and from such list of persons shall be drawn all grand and petit jurors at any time required for the transaction of business in the district court of said county; *Provided*, that if in any year such selection and list shall not be made in the month of March, the same may be done at any time thereafter that one (1) of the judges of said court may designate; and if at any time said list shall not contain names of sufficient persons qualified to act as grand and petit jurors from which to draw the requisite number of grand and petit jurors during the then current year ending the first of the following March, one (1) of such judges, together with such auditor and judge of probate, may, at any time designated by one (1) of said judges, select from such qualified electors of such county other persons to cover such deficiency, and in like manner may certify and deliver to said clerk the list of persons so selected, which supplementary or additional list shall thereafter stand as part of the original list.

*And provided further*, that the validity or legality of such selection or lists shall not be affected by the fact that any person or persons so selected may be disqualified from serving as grand or petit jurors, or by the selection of a greater or less number of persons than as specified in this act.

SEC. 2. In selecting such persons and making such lists the officials above named shall select such persons as they believe are well fitted, by education, business habits, moral character and physical health, to discharge the duties of jurors and as are not by law exempt from jury services.

SEC. 3. Such lists shall be kept on file by the clerk of said district court, and upon filing the same he shall prepare ballots, in the manner provided in section five (5), Chapter one hundred seven (107) General Statutes, and deposit them in a box, to be drawn as hereinafter provided. Said clerk shall, at least fifteen (15) days before the commencement of any general term of said district court in said county, in the presence of one (1) of said judges, proceed to draw the names of the requisite number of persons to serve as grand jurors at such term of court. All provisions of the general statutes relative to



the issuing of *venires*, summoning of grand jurors and proceedings subsequent thereto, shall apply, except that if there be a deficiency of grand jurors, the clerk shall, in open court, under the direction of one (1) of the judges, draw from the box containing the names on said list of names of additional persons to supply such deficiency, and writs of *venire facias* shall issue summoning such persons, and returnable forthwith, or at such time as the judge or court may direct.

SEC. 4. The clerk shall, immediately after drawing the names of grand jurors as aforesaid, in the presence of one (1) of the judges, proceed to draw from said box the names of as many persons as the court or judge shall direct, not to exceed forty (40) persons for such panel, to serve as petit jurors for such term, and they shall be summoned for the second (2d) day of such term, at ten (10) o'clock A. M., to serve as petit jurors. If at any time during the term there be a deficiency of petit jurors the clerk shall, in open court, under the direction of the judge, draw from said box the names of additional persons to supply such deficiency, and writs of *venire facias* shall issue, summoning such persons to appear before the court to serve as petit jurors at such time as the court shall direct; and the court may, in its discretion, order a special venire for petit jurors for the trial of any one case, which shall be served by the sheriff under the general laws of the state and without reference to said lists, and may, in its discretion, cause talesmen to be summoned under the general laws.

SEC. 5. The names of all persons drawn as grand or petit jurors who shall actually serve as such grand or petit jurors at any term of said court shall be stricken from said list and shall be left out of the box during the drawing of grand and petit jurors to serve as such within one (1) year of the period during which they so served.

SEC. 6. That the provisions of the general statutes relating to grand and petit jurors and jury trials shall be applicable to the said district court so far as the same are not changed by the provisions of this act, or inconsistent therewith.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1891.

## CHAPTER 448.

[H. F. No. 605.]

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-FIVE (435) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), BEING "AN ACT FIXING THE SALARY OF THE JUDGE OF PROBATE OF ST. LOUIS COUNTY, MINNESOTA."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter four hundred and thirty-five (435) of the Special Laws of one thousand eight hundred and eighty-nine (1889) be amended so as to read as follows:

Sec. 1 The salary of the judge of probate of St. Louis county is hereby fixed at the sum of three thousand (\$3,000) dollars per annum.

**SEC. 2.** That section two (2) of said act be amended so as to read as follows:

**Sec. 2.** The salary hereby fixed and determined shall be drawn in the manner now prescribed by law, and shall commence from the first (1st) day of January, one thousand eight hundred and ninety-one (1891).

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 449.

[H. F. No. 603.]

### AN ACT RELATING TO THE SALARIES OF CERTAIN COUNTY OFFICERS OF ST. LOUIS COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** The salary of the register of deeds of St. Louis county, state of Minnesota, shall be three thousand dollars (\$3,000) per annum.

**SEC. 2.** The salary of the clerk of the district court in said county shall be three thousand dollars (\$3,000) per annum.

**SEC. 3.** The above salaries shall be in full compensation for all services rendered by the above named respective officers in their official capacity. The fees charged for services in said several offices shall remain as at present.

**SEC. 4.** The said several officers shall employ sufficient help and assistance to properly discharge the duties of their respective offices. The number of deputies, clerks and other employes in the said respective offices, and the compensation paid to each, shall at all times be under the control of the board of county commissioners of said county, which may make such changes in numbers and compensation from time to time as it may deem just and right.

**SEC. 5.** On the first (1st) Monday of each month following the commencement of his term of office, each of the above named officers shall file with the county auditor a full and detailed statement of all business done in his office, and fees received and amounts of fees (if any) due and unpaid, for the preceding month. Said officer shall also in said statement give the names of every employe in his office and the amount paid to each for services, with the general nature of the service.

Said statement shall be verified by the oath of the party signing the same, to the effect that the same is in all respects just and true and that the payments therein stated have been absolutely and unconditionally made to the persons named without rebate, discount or refunding in any manner, directly or indirectly, any part of the same. Any intentional false statement in such affidavit shall subject the

maker to the pains and penalties of perjury. All fees received by each of said officers shall be paid over to the county treasurer on the first (1st) Monday of each month.

SEC. 6. The compensation of none of the officers above mentioned shall be increased or diminished during the term for which he may be elected, nor shall any of said officers now receiving fees instead of salary be put upon a salary basis as by this act provided, during their present term of office respectively.

SEC. 7. All acts and parts of acts which conflict with any of the foregoing provisions are hereby repealed.

SEC. 8. This act is hereby declared a public act and may be read in evidence in any court of law in this state without proof.

SEC. 9. The verified statement of the receipts and disbursements of the officers above mentioned shall be kept and preserved in the auditor's office, and shall be deemed public documents and open to the inspection of taxpayers of St. Louis county at any time during business hours of the said office.

SEC. 10. This act shall take effect and be in force from and after January first (1st), one thousand eight hundred and ninety-three (1893), so far as it relates to said office of register of deeds, and on and after January first (1st), one thousand eight hundred and ninety-five (1895), so far as it relates to said office of clerk of the district court.

Approved April 11, 1891.

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## CHAPTER 450.

[H. F. No. 1085.]

### AN ACT TO PROHIBIT THE DEPOSIT OF SAWMILL REFUSE IN THE ST. LOUIS RIVER AND ITS TRIBUTARIES.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That it shall be unlawful to cast, deposit, throw or empty, or cause, suffer or procure to be cast, deposited, thrown or emptied from mills or factories of any kind whatever, any slabs, edgings, shavings, sawdust or mill or factory refuse or waste of any kind, into the St. Louis river, or into any rivers, creeks or brooks, tributary to the St. Louis river.

SEC. 2. That any person or persons, corporation or corporations, offending against the provisions of this act shall for each and every such offense forfeit and pay a penalty not exceeding one hundred dollars (\$100), such penalty to be recoverable in any of the courts in this state having jurisdiction thereof.

SEC. 3. This act shall take effect and be in force from and after May first (1st), one thousand eight hundred and ninety-one (1891).

Approved April 11, 1891.

**CHAPTER 451.**

[S. F. No. 45.]

**AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SCOTT COUNTY TO ISSUE THE BONDS OF SAID COUNTY FOR THE PURPOSE OF CREATING A FUND FOR THE SUPPORT OF THE POOR OF SAID COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The board of county commissioners of the county of Scott, state of Minnesota, is hereby authorized and empowered to issue the bonds of said county, not to exceed in amount the sum of three thousand (\$3,000) dollars, with interest coupons attached, for the purpose of creating a fund for the support of the poor of said county.

**SEC. 2.** Said bonds shall be issued in such denominations and for such time, not exceeding three (3) years, as said commissioners shall determine; shall bear interest at the rate of six (6) per centum per annum, payable semi-annually; shall not be negotiated for less than par; the proceeds thereof shall not be used for any purpose except to create a poor fund of said county and in caring for the poor of said county.

**SEC. 3.** The said board of county commissioners shall, annually, after issuing said bonds, assess and levy a tax upon all the taxable property of said county (which may be in addition to all other taxes authorized to be levied) sufficient in amount to pay the interest and principal of said bonds as the same shall become due.

**SEC. 4.** This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

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**CHAPTER 452.**

[H. F. No. 783.]

**AN ACT TO AUTHORIZE THE TOWN OF BIG LAKE, IN THE COUNTY OF SHERBURNE, TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN BUILDING A WAGON BRIDGE ACROSS THE MISSISSIPPI RIVER CONNECTING THE TOWN OF BIG LAKE WITH THE VILLAGE OF MONTICELLO, IN THE COUNTY OF WRIGHT.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That the supervisors of the town of Big Lake, in the county of Sherburne, are hereby authorized and empowered to issue the bonds of said town, for the purpose of aiding in the construction of a wagon bridge across the Mississippi river, at the town of Big Lake, in the county of Sherburne, and connecting the same with the

village of Monticello, in the county of Wright, in a sum not exceeding twenty-five hundred (2500) dollars, in such denominations as said supervisors may determine.

SEC. 2. Such bonds shall bear interest at a rate not to exceed seven (7) per cent per annum, payable either semi-annually or annually, and the principal shall be due and payable at such time or times, not exceeding ten (10) years from the date of the said bonds, as said supervisors may determine, and shall be signed by the chairman of such supervisors and attested by the town clerk of said town.

SEC. 3. The supervisors of said town shall, annually, after the date of the issuance of said bonds, levy, in addition to all other taxes, an amount sufficient to pay the interest on such bonds as shall be issued under this act, and sufficient to pay so much of the principal as comes due in any such year, which tax shall be extended upon all of the property in said town of Big Lake.

SEC. 4. Said bonds shall be negotiated by said supervisors at not less than par value, and the proceeds thereof shall be used for no other purpose than for the purpose of aiding in the construction of such bridge.

SEC. 5. The proposition to issue said bonds shall be submitted to a vote of said town, at any annual or special meeting after the passage of this act, notice of which shall be given by the town clerk of said town, in the same manner as for other such annual or special meetings. The ballots shall have thereon the words, "In favor of issuing bonds—Yes;" or, "In favor of issuing bonds—No." If a majority of the votes cast at said meeting on said subject is in favor of the issue of said bonds, then, and in that case, said supervisors shall have power to issue said bonds, and not otherwise.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

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## CHAPTER 453.

[H. F. No. 916.]

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF SHERBURNE COUNTY TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A WAGON BRIDGE ACROSS THE MISSISSIPPI RIVER, CONNECTING SAID COUNTY WITH THE COUNTY OF WRIGHT AT THE TOWN OF MONTICELLO.

*Be it enacted by the Legislature of the State of, Minnesota:*

SECTION 1. The board of county commissioners of the county of Sherburne, in the state of Minnesota, are hereby authorized and empowered to issue the bonds of said county, to an amount not exceeding three thousand (3,000) dollars, for the purpose of aiding in the construction of a wagon bridge across the Mississippi river, connecting said county with the county of Wright at the town of Monticello; such

bonds to be in such sums or denominations, payable at such times, and bearing such interest, as said board shall in its discretion determine, to be signed by the chairman of said board and attested by the auditor of said county and sealed with his official seal.

SEC. 2. The auditor of said county of Sherburne shall keep a record of all such bonds, showing the date, number and amount of each bond, the rate of interest, the time when due, the place where payable, and the name of the party to whom issued; and the board of county commissioners of said county shall, annually, after the issuance of said bonds, levy a tax, in addition to all other taxes, sufficient to pay the interest accruing yearly upon said bonds, and when any of the principal is about to become due they shall in like manner levy a sufficient amount of taxes to pay such principal when due.

SEC. 3. The board of county commissioners of said county shall have authority to negotiate said bonds, but for not less than par value, and the proceeds thereof shall be used for no other purpose than in aid of building said bridge.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

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## CHAPTER 454.

[H. F. No. 1247.]

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF THE TOWN OF BECKER, IN SHERBURNE COUNTY, TO APPROPRIATE MONEY FOR A TOWN HALL.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of supervisors of the town of Becker, in Sherburne county, be and they are hereby authorized and empowered to appropriate out of the road and bridge fund of said town a sum not to exceed one thousand dollars (\$1,000), for the purpose of building a town hall in said town.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

## CHAPTER 455.

[S. F. No. 209.]

AN ACT TO LEGALIZE THE PUBLICATION OF THE NOTICE OF EXPIRATION OF TIME FOR REDEEMING LANDS SOLD FOR TAXES IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-EIGHT (1888), FOR THE COUNTY OF SIBLEY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the publication of the notice of expiration of time for redeeming lands sold for taxes in the year one thousand eight hundred and eighty-eight (1888) for the county of Sibley, which was published in the Winthrop News, be and the same is hereby legalized and made valid, and said publication shall be by all courts and tribunals treated as a valid and legal publication of the notice of expiration of time for redeeming lands from tax sale as fully and completely as if said notice had been published three (3) months before the expiration of the time for redeeming lands from tax sale and once a week for three (3) successive weeks.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 456.

[H. F. No. 30.]

AN ACT AUTHORIZING THE COUNTY AUDITOR OF THE COUNTY OF STEARNS, MINNESOTA, TO PROVIDE AN ADDITIONAL CLERK IN HIS OFFICE IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the county auditor of the county of Stearns, Minnesota, be and he is hereby authorized and empowered, immediately upon passage of this act, to employ some suitable person as clerk in his said office of county auditor, to assist in the duties thereof, at a compensation to be fixed by the board of county commissioners of said county of Stearns, such compensation, however, not to exceed the sum of eight hundred dollars (\$800) per annum, and to be paid by said county of Stearns, in equal monthly installments, at the end of each month, upon the order of the county auditor of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 28, 1891.

## CHAPTER 457.

[S. F. No. 255.]

## AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE PROBATE COURT OF STEARNS COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the salary of the clerk of the probate court of Stearns county is fixed at six hundred dollars (\$600) per annum, payable in equal monthly installments, out of the county treasury of said county, upon the warrant of the county auditor of said county.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 458.

[S. F. No. 617.]

## AN ACT TO PROVIDE FOR THE PRINTING AND PUBLICATION OF PROBATE NOTICES IN THE COUNTY OF STEARNS, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That all notices and other publications required by the probate code to be printed and published in the probate and settlement of estates of deceased persons or in any other proceedings now pending in or which may hereafter be instituted in the probate court of Stearns county, Minnesota, shall be printed and published in the English language, in a newspaper printed and published in said Stearns county, once in each week for three (3) successive weeks; said newspaper to be designated by the executors or administrators of such estates, or the person who procures or causes such publication to be made; *Provided*, that if the person entitled to designate such newspaper shall fail so to do, the same shall be designated by the judge of probate.

SEC. 2. No general law hereafter passed shall be construed to modify or repeal the provisions of this act, unless especially provided in said act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1891.



## CHAPTER 459.

[H. F. No. 1033.]

AN ACT TO CONFIRM AND LEGALIZE CERTAIN ROADS AND CARTWAYS  
AND PUBLIC HIGHWAYS IN THE TOWN OF OAK, STEARNS COUNTY,  
MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That all roads, cartways and public highways authorized or laid out by the supervisors of the town of Oak, in the county of Stearns, in this state, during the year A. D. eighteen hundred and seventy-two (1872), the records of the proceedings in which have been lost, destroyed or cannot be found, are hereby confirmed and legalized; and the same, according to the surveys, or the records thereof, made by the county surveyor of said county, are hereby declared to be public roads and cartways and public highways to all intents and purposes whatsoever.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

## CHAPTER 460.

[H. F. No. 979.]

AN ACT AUTHORIZING THE COUNTY AUDITOR OF STEARNS COUNTY TO  
LEVY A TAX.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The county auditor of Stearns county is hereby authorized and directed to levy the sum of one (1) mill upon each dollar of the assessable property of Stearns county for the year A. D. eighteen hundred and ninety-one (1891), in addition to all taxes now authorized by law to be levied in said county.

SEC. 2. The amount collected on account of the tax hereby authorized shall become a part of the general revenue of said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

## CHAPTER 461.

[S. F. No. 340.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF STEELE TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A COURT HOUSE IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of county commissioners of the county of Steele are hereby authorized to issue the bonds of said county for the purpose of erecting and furnishing a court house at the city of Owatonna, the county seat of said county, in a sum not exceeding thirty thousand dollars (\$30,000), in such denominations as said board of county commissioners may determine.

SEC. 2. The principal of such bonds shall be paid at such time and in such manner as the said board of county commissioners shall elect. Said bonds may be made to draw interest at such rate as said board of county commissioners may determine, not exceeding five (5) per centum per annum.

SEC. 3. Said bonds shall be signed by the chairman of said board of county commissioners and countersigned and sealed by the auditor of said county, and shall have interest coupons attached thereto, which coupons shall be signed by said chairman and countersigned by the auditor of said county; and the said auditor shall keep a record of all the bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued and when payable.

SEC. 4. The said board of county commissioners shall negotiate said bonds in such manner as, in their judgment, shall be for the best interests of said county; *Provided*, that said bonds shall not mature at any date more than ten (10) years later than the time of issuance thereof; *And provided further*, that the net amount paid into the treasury of said county from the sale thereof shall not be less than the par value of said bonds, together with any interest that shall have accrued thereon before such sale and payment.

SEC. 5. Said board and the proper authorities of said county shall, and they are hereby authorized and required to, levy an annual tax on the taxable property of said county, over and above and in addition to all other taxes required by law to be levied, sufficient to pay the interest upon said bonds as it accrues and said coupons mature, and also to levy an additional tax when any installment of the principal of said bonds is about to become due, sufficient in amount to pay such principal sum or sums at maturity, which taxes shall be levied and collected in the same manner as other taxes for county purposes are levied and collected.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

## CHAPTER 462.

[H. F. No. 1248.]

AN ACT AUTHORIZING THE COMMISSIONERS OF STEVENS COUNTY, MINNESOTA, TO ISSUE THE BONDS OF SAID COUNTY FOR REFUNDING BONDS ISSUED TO THE LITTLE FALLS & DAKOTA RAILROAD COMPANY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The board of county commissioners of Stevens county is hereby authorized to issue the bonds of said county at any time between November first (1st), one thousand eight hundred and ninety-two (1892) and March first (1st), one thousand eight hundred and ninety-three (1893), for the purpose of refunding the bonds of said county dated January first (1st), one thousand eight hundred and eighty-three (1883), and issued to the Little Falls & Dakota Railroad Company, for the sum of fifty thousand dollars (\$50,000), falling due January first (1st), one thousand eight hundred and ninety-three (1893); said bonds so to be issued in sums of one thousand dollars (\$1,000) each, and not to exceed in the aggregate the sum of fifty thousand dollars (\$50,000).

SEC. 2. Such bonds shall bear interest not to exceed six (6) per cent per annum, with coupons attached for the annual or semi-annual payment of the same, and the principal shall be payable in not less than ten (10) years, nor more than thirty (30) years from the date thereof, as the board of county commissioners may determine.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county and countersigned by the auditor of said county and attested by the seal of his office, before the same shall become valid; and said auditor shall keep a record of all such bonds so issued, showing the number, date and amount of each bond and the name of the party to whom issued.

SEC. 4. The proper authorities of said county shall, annually, levy a tax upon the taxable property of said county sufficient to pay the interest accruing yearly upon the bonds issued under the authority of this act.

SEC. 5. The board of county commissioners of said county shall have authority to negotiate said bonds, but for not less than their par value, and the proceeds thereof shall be used for no other purpose than to pay and redeem the bonds of said county heretofore issued and to become due January first (1st), one thousand eight hundred and ninety-three (1893).

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

## CHAPTER 463.

[H. F. No. 990.]

**AN ACT TO AUTHORIZE AND EMPOWER THE SUPERVISORS OF THE TOWNSHIP OF DUBLIN, SWIFT COUNTY, MINNESOTA, TO REIMBURSE AND PAY BACK INTO THE TREASURY OF THE VILLAGE OF MURDOCK CERTAIN MONEYS.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The supervisors of the township of Dublin, Swift county, state of Minnesota, are hereby authorized and empowered to pay into the village treasury of the village of Murdock, of said county, for the use of said village, all taxes heretofore assessed upon the property located within the territory constituting said village since incorporation thereof in eighteen hundred and eighty-one (1881), and which has been collected and paid into the township treasury of the town of Dublin, or such percentage thereof as the supervisors of said township and the common council of said village may agree upon as just and equitable.

**SEC. 2.** The supervisors of said township of Dublin are further empowered to levy such tax upon the assessable property of said township, in addition to all other taxes now authorized by law, as may in their judgment be necessary to provide funds for the payment of such moneys to said Murdock village, not exceeding the amount agreed upon to be paid under this act.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 464.

[H. F. No. 420.]

**AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF TRAVERSE COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING COUNTY BUILDINGS, AND SUBMITTING THE SAME TO A VOTE OF THE ELECTORS.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** The board of county commissioners of Traverse county are hereby authorized to issue bonds of said county for the purpose of building a court house and jail at the county seat of said county, in a sum not exceeding twenty thousand (\$20,000) dollars, and in such denominations as the county commissioners may determine.

**SEC. 2.** Said bonds shall bear interest at a rate not to exceed six (6) per cent per annum, payable semi-annually at such place as the

said board of county commissioners shall direct, and the principal of said bonds shall be payable as the board of county commissioners may direct, at a time or times not less than two (2) years, nor more than twenty (20) years, from date of issue.

SEC. 3. The proper authorities of said county shall, annually, levy and collect, in the same manner as other county taxes are levied and collected, in addition to all other taxes, an amount sufficient to pay the interest accruing upon said bonds, and the said bonds as they shall mature.

SEC. 4. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners and countersigned by the auditor of said county and have attached thereto the seal of the county auditor; and said bonds shall have interest coupons attached thereto, which coupons shall be signed by the chairman of said board and countersigned by the auditor aforesaid, and the said auditor shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued and when payable.

SEC. 5. The said board of county commissioners shall negotiate said bonds as in their judgment shall be for the best interest of the county; *Provided*, that said bonds shall not be negotiated for less than their par value.

SEC. 6. The said proposition to vote said bonds to be submitted to the electors of said Traverse county at any general election or at a special election called for that purpose by said county commissioners, at any time after the passage of this act, upon petition presented to them, signed by twelve (12) freeholders of said county, requesting that said special election be called, or requesting that said proposition be submitted to the electors of said county at the general election therein designated; and it is hereby made the duty of the several town clerks in said county to give notice of the same, in the same manner as notices of annual or special town meetings are by law required to be given, that said proposition will be submitted to a vote of the electors at such meeting, and which notices shall state substantially the amount of bonds proposed to be issued; but the failure of any town clerk to give notice as hereinbefore provided shall not invalidate such election. Those voting in favor of said issue of bonds shall have written or printed, or partly written and partly printed, on the ballots used the words, "For issue of bonds for court house and jail;" and those voting against the same the words, "Against issue of bonds for court house and jail." And the voting shall be conducted in the same manner as prescribed by law as the election of town officers, and the vote shall be counted, returned and canvassed in the same manner as votes cast for county officers; and if upon such canvass it appears that a majority of all the votes cast on said proposition shall be in favor of issuing said bonds, the board of county commissioners shall issue said bonds as provided by this act, and not otherwise.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 465.

[H. F. No. 768.]

AN ACT TO FIX THE COMPENSATION, SALARY AND CLERK HIRE OF  
JUDGE OF PROBATE IN THE COUNTY OF TRAVERSE.*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The annual salary of the judge of probate of the county of Traverse shall be five hundred (500) dollars, including all clerk hire.

SEC. 2. This act shall take effect and be in force from and since January first (1st), eighteen hundred and ninety-one (1891).

Approved April 16, 1891.

## CHAPTER 466.

[H. F. No. 1180.]

AN ACT FIXING AND ESTABLISHING THE SALARY OF THE PROBATE  
JUDGE OF THE COUNTY OF WABASHA, AND PROVIDING FOR PAY-  
MENT BY HIM INTO THE COUNTY TREASURY OF SAID COUNTY  
OF ALL FEES RECEIVED BY HIM, AND MAKING A FAILURE SO TO  
DO A MISDEMEANOR, AND REPEALING ALL ACTS AND PARTS OF  
ACTS INCONSISTENT THEREWITH.*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That from and after the first (1st) day of May, A. D. eighteen hundred and ninety-one (1891), the probate judge in and for the county of Wabasha shall receive a salary of one thousand (\$1,000) dollars per annum, which shall be paid monthly, by the county treasurer of said county, in the same manner as other salaried officers of said county are paid, and which shall be in full compensation of all services rendered by said probate judge.

SEC. 2. From and after the date mentioned in section one (1) of this act the said probate judge shall prepare and keep a true and accurate account of all fees due to or received by his office, and shall present the same, monthly, to the board of county commissioners of said county, verified by him, and at the same time pay into the county treasury all sums received by him as fees during the preceding month.

SEC. 3. Any failure by said probate judge to comply with the provisions of this act shall constitute a misdemeanor.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.

**CHAPTER 467.**

[S. F. No. 246.]

AN ACT TO CHANGE THE BOUNDARIES OF CERTAIN COUNTY COMMISSIONER DISTRICTS IN WASECA COUNTY, STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the township of Woodville, in the county of Waseca, be and is hereby detached from the third (3d) county commissioner district, and the same be and is hereby attached and made a part of the second (2d) county commissioner district.

SEC. 2. That the township of St. Mary be and is hereby detached from the fourth (4th) county commissioner district of Waseca county, and the same is hereby attached to and made a part of the third (3d) county commissioner district of said Waseca county.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

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**CHAPTER 468.**

[H. F. No. 727.]

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF WASECA COUNTY, MINNESOTA, TO PURCHASE FAIR GROUNDS FOR THE USE OF THE WASECA COUNTY AGRICULTURAL, MECHANICAL AND INDUSTRIAL SOCIETY, AND TO PROVIDE FOR THE PAYMENT OF LAND PURCHASED FOR SUCH PURPOSE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of county commissioners of the county of Waseca, in the state of Minnesota, be and are hereby authorized and empowered to purchase not less than twenty-five (25) or more than forty (40) acres of land in said county, to be used as and for a county fair ground by the Waseca County Agricultural, Mechanical and Industrial Society.

SEC. 2. That title to all such land so purchased shall be vested in and remain in the said county of Waseca, but the said county, or the board of county commissioners thereof, shall not have power to sell or dispose of the same, or any part of said land purchased as or for the purpose mentioned in this act, so long as it shall be annually used for fair purposes; *Provided*, that the commissioners of said county shall have power to cause said grounds to be ornamented and beautified and to care for the same, and shall also have power to grant the use of said grounds for celebrations and other public exer-

cises, but not for private purposes; *Provided*, that none of such public purposes shall in any way conflict with the annual fairs of the said Waseca County Agricultural, Mechanical and Industrial Society.

SEC. 3. That for the purpose of paying for any lands purchased as provided in section one (1) hereof, the county commissioners of said Waseca county are hereby authorized and empowered to appropriate such sum or sums of money, not exceeding in amount the sum of twenty-five hundred dollars (\$2500), out of the revenue fund of said county for such purpose, or may, if in the judgment of the board of county commissioners it is necessary and of which the said board of county commissioners are hereby constituted sole judges, issue and negotiate bonds, with interest coupons attached, in an amount not exceeding twenty-five hundred dollars (\$2500), for the purpose of paying therefor; and if said commissioners determine to issue such bonds they shall bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually, the principal thereof to become due and payable at such time or times, in not more than fifteen (15) years after the date of said bonds, as said board of commissioners may determine; and said bonds, with the interest coupons attached, shall be signed by the chairman of said board of county commissioners and be attested by the auditor of said county and be sealed with his seal and be payable at such place as said board of county commissioners may determine. And the auditor of said county shall keep a record of all bonds issued, which shall show the date, number and amount of each bond issued, the rate of interest, the time when due, the place where payable and the name of the party to whom issued.

SEC. 4. If the said county commissioners shall determine to issue bonds as provided herein, the proper authorities of said Waseca county shall levy, in addition to all other taxes, an amount sufficient to pay the interest on the bonds so issued, and when any principal is about to become due, a sufficient amount to pay such principal when due.

SEC. 5. That this act shall take effect and be in force from and upon its passage.

Approved April 6, 1891.

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## CHAPTER 469.

[S. F. No. 25.]

### AN ACT TO FIX THE COMPENSATION OF THE JUDGE OF PROBATE IN AND FOR WASHINGTON COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the salary of the judge of probate of the county of Washington be and the same is hereby fixed at the sum of two thousand dollars (\$2,000) per annum, to be paid monthly, by the treasurer of said county, upon the warrant of the county auditor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1891.



**CHAPTER 470.**

[H. F. No. 855.]

**AN ACT TO APPLY THE MONEYS DERIVED FROM LIQUOR LICENSES IN THE TOWN OF FOREST LAKE, WASHINGTON COUNTY, FOR THE CONSTRUCTION OF ROADS.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** All moneys hereafter collected for licenses for the sale of intoxicating liquors in the town of Forest Lake, Washington county, shall be paid over to the treasurer of said town of Forest Lake; and all such moneys shall be applied to the construction and repair of town roads within the limits of said town.

**SEC. 2.** The board of supervisors of said town shall have power to expend said money for said purpose.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

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**CHAPTER 471.**

[S. F. No. 795.]

**AN ACT TO REPEAL SENATE FILE NUMBER FIVE HUNDRED AND FOUR (504), ENTITLED "A BILL FOR AN ACT CREATING A NEW SPECIAL SCHOOL DISTRICT IN WASHINGTON COUNTY," APPROVED MARCH TWENTY-THIRD (23D), EIGHTEEN HUNDRED AND NINETY-ONE (1891).**

[See Chapter 330, page 947, ante.]

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** Senate file number five hundred and four (504), entitled "A bill for an act creating a new special school district in Washington county," approved March twenty-third (23d), eighteen hundred and ninety-one (1891), is hereby repealed.

**SEC. 2.** This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 472.

[S. F. No. 485.]

AN ACT TO AUTHORIZE THE TOWN OF COTTAGE GROVE, IN WASHINGTON COUNTY, MINNESOTA, TO ISSUE BONDS TO AID IN BUILDING A BRIDGE ACROSS THE MISSISSIPPI RIVER BETWEEN THE CITY OF HASTINGS, DAKOTA COUNTY, MINNESOTA, AND THE TOWN OF DENMARK, WASHINGTON COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of supervisors of the town of Cottage Grove, in the county of Washington, in the state of Minnesota, are hereby authorized and directed to issue the bonds of said town, when authorized by the vote of the electors of said town as hereinafter provided, to the amount of two thousand (\$2,000) dollars, for the purpose of aiding in the construction of a wagon bridge across the Mississippi river between the city of Hastings, Dakota county, Minnesota, and the town of Denmark, Washington county, Minnesota.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred (\$100), nor more than one thousand (1,000) dollars each, with interest coupons attached, and shall bear interest, at a rate not to exceed six (6) per cent per annum, payable annually, at such time and place as said board of supervisors shall designate. Said bonds shall not become due in less than one (1) or more than four years after the date thereof.

Said bonds and coupons shall be signed by the chairman of the board of supervisors of said town, and countersigned by the town clerk; said town clerk shall keep in his office a record of all bonds so issued, showing the number, date and amount of such bonds and the names of the payees. Said board of supervisors shall have full authority to negotiate the sale of said bonds in such a way as shall best subserve the interests of said town; but neither said bonds nor the proceeds of the sale thereof shall be used for any other purpose than that specified in section one (1) of this act.

SEC. 3. That said board of supervisors of said town of Cottage Grove is hereby authorized, empowered and directed to make provisions, by the levying of taxes, for the payment, as the same become due, of the principal and interest of the bonds issued under and by authority of the power granted by this act.

SEC. 4. That before it shall be lawful for said board of supervisors to issue said bonds, the proposition to issue the same shall be submitted to the legal voters of said town for their approval or rejection, at a special election to be held in said town within sixty (60) days from the date of the passage of this act, notice of which special election shall be given and said election shall be held and conducted in the way and at the time and place designated by law governing town elections. And if said proposition shall not be at said election adopted, or if for any reason said election should not be held, then and in either of said cases the board of supervisors of said town of

Cottage Grove shall, within one (1) year from the passage and approval of this act, resubmit the said proposition to the legal voters of said town, at an election to be called for that purpose, and to be conducted as required by law. The ballots used at such election shall have written or printed on them, or partly written and partly printed, the words, "In favor of Mississippi river bridge bonds—Yes," which ballots shall be construed to be in favor of the issuing of said bonds; or, "In favor of Mississippi river bridge bonds—No," which ballots shall be construed to be against the issue of said bonds.

If a majority of the legal voters voting on said proposition at either of said elections shall be in favor of said proposition, said bonds shall be issued and shall be valid and lawful to all intents and purposes whatever.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 473.

[S. F. No. 484.]

AN ACT TO AUTHORIZE THE TOWN OF DENMARK, IN WASHINGTON COUNTY, MINNESOTA, TO ISSUE BONDS TO AID IN BUILDING A BRIDGE ACROSS THE MISSISSIPPI RIVER BETWEEN THE CITY OF HASTINGS, DAKOTA COUNTY, MINNESOTA, AND THE SAID TOWN OF DENMARK.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the board of supervisors of the town of Denmark, in the county of Washington and state of Minnesota, is hereby authorized and empowered to issue the bonds of said town, when authorized by the vote of electors of said town as hereinafter provided, to the amount of three thousand (\$3,000) dollars, for the purpose of aiding in the construction of a bridge across the Mississippi river between the city of Hastings and said town of Denmark.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred (100), nor more than one thousand (1,000) dollars each, with interest coupons attached, and shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually, at such time or times, not less than one (1) or more than six (6) years after the date of said bonds, and at such place as said supervisors shall provide. Said bonds and coupons shall be signed by the chairman of said supervisors and countersigned by the town clerk; said clerk shall keep in his office a record of all bonds so issued, showing the number, date and amount of such bonds and the name of each payee; said board of supervisors shall have authority to negotiate the sale of said bonds as the best interests of said town shall require; but neither said bonds or the proceeds thereof shall be used in any way, or for any purpose than that specified in section one (1) of this act.

SEC. 3. Said board of supervisors is hereby authorized, empowered and directed to provide for the payment, as the same shall become due, of the principal and interest of said bonds so issued, under the authority herein given, by the levying of taxes.

SEC. 4. Before said bonds shall be issued by said board of supervisors the proposition to issue the same shall be submitted to the legal voters of said town, within sixty (60) days after the passage of this act, at a special election called for that purpose, notice of which shall be given as provided by law for special town elections. In case of the rejection of said proposition or a failure to vote upon the same at said time, said board of supervisors is hereby authorized and directed to resubmit said proposition, at a special election to be called as required by law, at any time not exceeding one (1) year after said first election. Said elections shall be conducted at the same places and in the usual manner prescribed by law for town meetings. The ballots used in voting on said proposition shall have partly written and partly printed, or written or printed, on them the words, "For the issue of Mississippi river bridge bonds—Yes;" or, "For the issue of Mississippi river bridge bonds—No," on them. If a majority of the voters present and voting on said proposition at said election, or either of said elections, shall vote in favor of the issue of said bonds, the same shall be issued and said bonds shall be lawful and valid to all intents and purposes whatsoever.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 474.

[H. F. No. 1012.]

AN ACT TO FIX THE TIME OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, AND TO FURTHER DEFINE AND EXTEND THE POWERS AND DUTIES OF SAID BOARD AS TO CLERK HIRE.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of county commissioners of Washington county shall meet, in addition to the times now prescribed by the general laws of this state, on the first (1st) Tuesday in March, the first (1st) Tuesday in May, the first (1st) Tuesday in September, and the third (3d) Tuesday in November of each year, at ten (10) o'clock A. M. of said days, to transact any and all business that may properly come before said board; such meeting, as well as all other regular meetings held according to law, shall continue until all business properly before such board shall be disposed of. The proceedings and all reports made at such meetings shall be published according to law.

**SEC. 2.** The said board of county commissioners is hereby authorized and empowered to allow and fix the compensation which shall be paid to the county auditor of said county for clerk hire in his office, not to exceed the sum of five hundred dollars (\$500) per annum, in addition to all sums now permitted by law for that purpose.

**SEC. 3.** The amount of said compensation for clerk hire may be fixed for each year by said board of county commissioners, at any meeting of said board, and may be so fixed as commencing from the first (1st) day of January, one thousand eight hundred and ninety-one (1891), and the amount so fixed by said board shall be paid to said officer, upon the warrant of said county auditor drawn upon the county treasurer of said county, in twelve (12) equal installments, on the first (1st) day of each month.

**SEC. 4.** This act shall take effect and be in force from and after its passage.

Approved April 13, 1891.

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## CHAPTER 475.

[S. F. No. 840.]

AN ACT TO AUTHORIZE THE TOWN SUPERVISORS OF THE TOWN OF INVERGROVE, DAKOTA COUNTY; THE TOWN SUPERVISORS OF THE TOWN OF NEWPORT, WASHINGTON COUNTY, AND THE VILLAGE COUNCIL OF THE VILLAGE OF NEWPORT, WASHINGTON COUNTY, TO ISSUE BONDS FOR THE CONSTRUCTION OF A FREE WAGON BRIDGE FOR PUBLIC USE, IN CONJUNCTION WITH A RAILROAD BRIDGE, ACROSS THE MISSISSIPPI RIVER AT OR NEAR SOUTH ST. PAUL, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** The board of supervisors of the town of Invergrove, Dakota county, are hereby authorized and empowered to issue the bonds of their town, with coupons attached, to the amount of thirty thousand dollars (\$30,000), or so much thereof as may be by them deemed necessary, for the purpose of constructing a free wagon bridge for public use, in connection with a railroad bridge, across the Mississippi river, from a suitable point on its west bank at or near the city of South St. Paul, in the State of Minnesota, and within the limits of section thirty-five (35), township twenty-eight (28), range twenty-two (22) west, to a corresponding point on its east bank.

**SEC. 2.** The board of supervisors of the town of Newport, Washington county, Minnesota, are hereby authorized and empowered to issue the bonds of their town, with coupons attached, to the amount of thirty-five thousand dollars (\$35,000), or so much thereof as may be by them deemed necessary, for the purpose of constructing a free wagon bridge for public use, in conjunction with a railroad bridge, across the Mississippi river, from a suitable point on its west bank, at or near the city of South St. Paul, in the State of Minnesota, and within the limits of section thirty-five (35), township twenty-eight (28), range twenty-two (22) west, to a corresponding point on its east bank.

**SEC. 3.** The village council of the village of Newport, Washington county, Minnesota, by a majority vote thereof, is hereby authorized and empowered to issue the bonds of said village, with coupons attached, to the amount of fifteen thousand dollars (\$15,000), or so much as may be by said village council deemed necessary, for the purpose of constructing a free wagon bridge for public use, in conjunction with a railroad bridge, across the Mississippi river, from a suitable point on its west bank, at or near the city of South St. Paul, in the State of Minnesota, and within the limits of section thirty-five (35), township twenty-eight (28), range twenty-two (22) west, to a corresponding point on its east bank.

**SEC. 4.** Said bonds shall be for the principal sum of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) each, and shall be made payable at such time or times, within thirty (30) years from the date thereof, as the town or village officials issuing the same shall respectively determine, and shall bear interest at a rate not to exceed six (6) per cent per annum, payable semi-annually, and shall be made payable to bearer or to such person or persons as said officials may direct, and at such place as said boards of supervisors and said village council may respectively direct.

**SEC. 5.** The town clerks of said respective towns and the village recorder of said village of Newport shall keep a record of all bonds so issued by his respective town or village, showing the number, dates and amounts of all the bonds issued by his respective town or village under the provisions of this act.

And the board of supervisors of the town of Invergrove, the board of supervisors of the town of Newport, and the village council of the village of Newport, shall each have the authority to negotiate the sale of the aforesaid bonds issued by it, respectively, each having authority over, and only over, the bonds by it issued; but that neither the said bonds nor the proceeds from the sale thereof [shall] be used for any other purpose than the erection and construction of the aforesaid bridge.

**SEC. 6.** That said board of supervisors of the town of Invergrove, the board of supervisors of the town of Newport, and the village council of the village of Newport, are each hereby authorized and empowered to make provision, by the levying of taxes, for the payment as the same shall become due of the principal and interest of the bonds issued by each respectively, under and by virtue of the power granted by this act.

*Provided, however,* that no part of the taxes for the payment of principal or interest on the bonds issued by the supervisors of the town of Newport hereunder shall be levied upon any property taxable within the village of Newport.

**SEC. 7.** The issuance of said bonds by said town and village authorities respectively shall be entirely separate and distinct and shall have no relation or connection whatsoever, the one with the other, save only that they shall be issued for the common purpose set forth in sections one (1) and two (2) of this act; and the failure of said village council of said village of Newport or of either of said boards of supervisors to respectively issue its bonds shall in no way curtail the authority of the others or either of the others to issue the same, or to invalidate such bonds when issued.

SEC. 8. Before it shall become lawful for said board of supervisors of the town of Invergrove or said board of supervisors of the town of Newport respectively to issue said bonds by this act authorized, the proposition to issue the same shall be respectively submitted to the qualified voters of said respective towns for their approval or rejection, at the annual town meetings of said respective towns in the year one thousand eight hundred and ninety-two (1892); or at a special meeting to be called for that purpose by the boards of supervisors of said respective towns, and to be held at such time as said board of supervisors shall designate. Notice of such special meeting shall be given by the board of supervisors of each of said towns, at least ten (10) days prior to the date of holding said special meeting in its said town, when such proposition shall be voted on, by conspicuously posting in three (3) of the most public places in said respective towns a copy of said notice signed by a majority of said board of supervisors, and by causing the same to be published in the official newspaper of the county in which said respective towns are situated, if there be one, in at least two (2) consecutive issues of said newspaper immediately prior to the date of the vote upon said proposition. The ballots used in voting upon said proposition shall have written or printed, or partly written and partly printed, thereon the words "For issue of bridge bonds—Yes;" "For issue of bridge bonds—No."

Said ballots shall be cast in each of said towns in the usual manner of casting ballots in said towns, and shall be canvassed by the same officers and in the same manner as ballots cast at the town elections in said respective towns; and if it be found upon such canvass that a majority of the voters present and voting upon such proposition, wherever the same shall be submitted, have voted in favor of issuing such bonds, then the issue of such bonds, or such portion thereof as the board of supervisors of the town issuing the same shall deem necessary, shall be lawful, and such bonds shall be issued, and with the coupons thereto attached shall be signed by the chairmen of said respective boards of supervisors of said respective towns, and shall be respectively signed by the town clerks of said respective towns. *Provided, however,* that at such election in said town of Newport no person who is entitled to vote in the village of Newport shall be allowed to vote upon the question of issuing such bonds.

SEC. 9. Said respective boards of supervisors shall have authority to negotiate the sale of the bonds issued by them respectively in such manner as shall best subserve the interests of their respective towns.

SEC. 10. That before it shall be lawful for the village council of the village of Newport to issue said bonds by this act authorized, the proposition to issue the same shall be submitted to the qualified voters of said village for their approval or rejection at the next annual village meeting for the election of village officers, or at a special meeting to be called for that purpose by the village council of said village and to be held at such time as said village council shall determine and designate. Notice of such special meeting shall be given by said village council, at least ten (10) days prior to holding said special meeting, when such proposition is to be voted on, by conspicuously posting in three (3) of the most public places of said village copies of said notice signed by a majority of said village council.

The ballots used in voting on said proposition shall have written or printed, or partly written and partly printed, thereon the words "For

issue of bridge bonds—Yes;" "For issue of bridge bonds—No." Said ballots shall be cast and canvassed in the same manner as ballots cast at the usual annual village election of said village; and if it be found upon a canvass of the ballots cast that a majority of the voters present and voting upon such proposition, whenever the same shall be submitted, have voted in favor of issuing said bonds, then the issue of such bonds, or such portion thereof as the village council of said village shall deem necessary, shall be lawful, and such bonds shall be issued and with the coupons attached shall be signed by the president and recorder of said village. And said village council shall have the authority to negotiate the sale of said bonds in such manner as shall best subserve the interest of said village.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 476.

[H. F. No. 290.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WATONWAN TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A COURT HOUSE IN SAID COUNTY.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of county commissioners of the county of Watonwan are hereby authorized to issue the bonds of said county for the purpose of erecting and furnishing a court house at the village of St. James, the county seat of said county, in a sum not exceeding thirty thousand (30,000) dollars, in such denominations as such board of county commissioners may determine.

SEC. 2. The rate of interest on said bonds shall not exceed five (5) per cent per annum, to be payable annually, and the principal of said bonds shall be payable in such manner and at such time or times as the board of county commissioners may elect; *Provided, however,* that no part of the principal shall be made payable less than five (5) years from the date of their issue.

SEC. 3. Said bonds shall be signed by the chairman of said board of county commissioners and countersigned and sealed by the auditor of said county, and shall have interest coupons attached thereto, which coupons shall be signed by said chairman and countersigned by the auditor of said county, and the said auditor shall keep a record of all the bonds issued under the provision of this act, giving numbers, dates and amounts, to whom issued and when payable.

SEC. 4. The said board of county commissioners shall negotiate such bonds in such manner as in their judgment shall be for the best interest of the county; *Provided,* that the net amount paid into the treasury from the sale thereof shall not be less than the par value of said bonds, together with any interest that may have accrued thereon before such sale and payment.



**SEC. 5.** Said board of county commissioners and the proper authorities of said county shall, and they are hereby authorized and required to, levy an annual tax on the taxable property of said county, over and above and in addition to all other taxes required by law to be levied, sufficient to pay the interest accruing on said bonds as it becomes due, and also to levy an additional tax, when any installment of principal of said bonds is about to become due, sufficient in amount to pay such principal sum or sums at maturity, which tax shall be levied and collected in the same manner as other taxes for county purposes are levied and collected.

**SEC. 6.** Before any bonds shall be issued under the provisions of this act, the proposition to issue the same shall first be submitted to a vote of the electors of said Watonwan county, at the next annual town meeting after the passage of this act. The ballots shall have written or printed, or partly written and partly printed, on them the following words, "For issue of bonds for court house," or "Against issue of bonds for court house." Said votes shall be cast at said town meeting in the same manner as votes cast for town officers, and said votes shall be canvassed in the same manner as votes cast for county officers; and if, upon such canvass, a majority of the votes cast upon said proposition shall be in favor of issuing said bonds, the said board of county commissioners shall issue said bonds as provided by this act, and said bonds shall be lawful and valid.

**SEC. 7.** It is hereby made the duty of the county auditor of said county, at least ten (10) days prior to said annual town meeting, to notify the town clerks in the several towns in said county to insert a paragraph in the notice of the annual town meeting, setting forth that the question of issuing said bonds will be voted upon at said town meeting; and it is hereby made the duty of the town clerks of the several towns in said county to insert such notice in said notice of annual town meeting.

**SEC. 8.** That if said proposition to issue said bonds shall be defeated at said annual town meeting, the said proposition to issue said bonds in accordance with sections one (1), two (2), three (3), four (4) and five (5) of this act shall be submitted to a vote of the electors of said Watonwan county at each and every annual town meeting and at each and every general election in said county in the years A. D. one thousand eight hundred and ninety-two (1892), A. D. one thousand eight hundred and ninety-three (1893), A. D. one thousand eight hundred and ninety-four (1894) and A. D. one thousand eight hundred and ninety-five (1895), until the same shall be duly carried. It shall be the duty of the officers in said county, required by law to give notices of town meetings and general elections, to give notice in like manner, that at said annual town meeting, or at said general election, as the case may be, the question of issuing said bonds will be submitted to the electors of said county. And the ballots of the electors voting upon said proposition shall be in the form prescribed by section six (6) of this act, and the said ballots shall be cast and canvassed in the same manner as votes cast for county officers; and if upon the canvass of said votes at any such town meeting or general election a majority of the voters who have voted upon such proposition shall have voted in favor of issuing said bonds, the said board of county commissioners shall issue said bonds as provided by this act, and said bonds shall be lawful and valid.

SEC. 9. Any neglect or failure of any officer in said county required by this act to give notice of the submitting of said proposition to the electors of said county at any town meeting or at any general election as provided by this act and the failure of any officer to perform any duty required by this act in connection with said election shall not invalidate such election or prohibit the canvass of the votes cast upon such proposition.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 19, 1891.

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## CHAPTER 477.

[H. F. No. 8.]

### AN ACT REGULATING THE ELECTION OF THE COUNTY SUPERINTENDENT OF SCHOOLS IN WINONA COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. At the next ensuing general election to be held in the county of Winona, and biennially thereafter, a county superintendent of schools shall be elected by the electors resident in said county, exclusive of the city of Winona and the independent school district of St. Charles; but such superintendent may be a resident of any portion of said county.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1891.

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## CHAPTER 478.

[H. F. No. 520.]

### AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SIXTY-ONE (361) OF THE SPECIAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889.)

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That Chapter three hundred and sixty-one (361) of the Special Laws of the State of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1891.

## CHAPTER 479.

[S. F. No. 846.]

## AN ACT TO PROVIDE FOR THE RELIEF OF THE POOR IN THE COUNTY OF WINONA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The town supervisors of each town and the mayor and common council of any city and the officers of any incorporated village in the county of Winona shall, by the virtue of their office, be superintendents of the poor of their respective towns, cities or villages.

SEC. 2. It shall be optional with the town supervisors of any town or the mayor and common council of every city or the municipal corporation of any incorporated village in the county of Winona, to provide for the support of any person having a legal residence in said town, city or village at such residence or elsewhere in said town, city or village, or to commit every such person to the poorhouse of said county, for which purpose a commitment, signed by the chairman of the board of supervisors of any such town, or the mayor of any such city or by the officer of any such incorporated village as may be designated by the authorities of such village, shall be sufficient authority to authorize the keeper of such poorhouse to receive and care for such persons in said poorhouse.

SEC. 3. No member of any board of supervisors, or any city or village council, charged with the care of the poor under the provisions of this act, shall be, either directly or indirectly, interested in the furnishing of any relief or supplies for the benefit of poor persons or in the erection or maintenance of any poorhouse; and no such member shall be a physician for the poor or overseer of the county poorhouse. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 4. Any person who has resided in any town or city in said county one (1) year continuously shall, for the purposes of this act, be deemed to have gained a legal residence or settlement in such city, town or village. Every indentured servant or apprentice legally brought into said county shall obtain a legal settlement in the city or town or village in which said servant or apprentice served his master one (1) year, and any married woman, during coverture, shall be considered legally settled in the city, town or village in said county where her husband was last legally settled, but if he had no legal settlement, she shall be considered as settled in the place where she was last legally settled before marriage; and any minor, who has not been emancipated by his parents and gained a legal settlement in his own right, shall be considered as settled in the place where his parents or surviving parent was last legally settled.

SEC. 5. The county commissioners of said county of Winona shall, at their first meeting after this act goes into effect, fix and determine the cost of keeping and maintaining each poor person in the county poorhouse, and may annually thereafter, at their July meeting in each year, fix and determine such cost for the current year.

SEC. 6. The overseer of the poor or keeper of the poorhouse of said county shall keep an accurate account of the number of persons maintained annually in said poorhouse, and the length of time that every such person has been an inmate of such poorhouse during any year, and report the same to the county commissioners of said county at their July meeting, who shall thereupon levy a tax upon the taxable property of such town, city or incorporated village for an amount sufficient to reimburse the county for the cost of supporting such poor person, as fixed as aforesaid, and cause the same to be extended on the grand duplicate of such town, city or incorporated village, and the same shall be collected as other county and state taxes are collected.

SEC. 7. All taxes levied for the year eighteen hundred and ninety-one (1891) for the relief or support of the poor, after deducting the cost of maintaining any poor person resident in said town or city to May thirty-first (31st), eighteen hundred and ninety-two (1892), in said poorhouse, shall be placed to the credit of such town, city or incorporated village by the county treasurer, and paid by him to the treasurer of such town, city or incorporated village, upon order signed by the mayor of such city, the chairman of the board of supervisors of such town or the chairman of the board of the council of such incorporated village.

SEC. 8. The overseer of the poor or keeper of the county poorhouse shall discharge any poor person committed to the county poorhouse from any city or town in the said county, upon the written order of the mayor of such city, the chairman of the board of supervisors of such town or the chairman of the council of such incorporated village.

SEC. 9. Nothing in this act shall be construed to prevent the county commissioners of said county from levying such taxes as may be required for the maintenance of the poor farm, and the repair and the erection of such buildings thereon as may by them be deemed necessary; and for such other necessary purposes connected with the maintenance of said poorhouse or poor farm, including medical or surgical attendance, not hereinbefore provided for, and causing the same to be extended upon the grand duplicate of said county for the purpose of providing sufficient means to support the inmates of such poorhouse until the county shall be reimbursed by the several towns as hereinbefore provided for, the county commissioners of said county are authorized to raise, by tax upon the taxable property of the county at large, a sufficient fund for that purpose, to be known as the county poor fund.

SEC. 10. The common council of any city, and the several towns and municipal corporations of incorporated villages of said county, shall levy, or cause to be levied, each year, a tax upon the real and personal property in said cities, towns or villages, respectively, of such sum, not exceeding one (1) mill upon each dollar of assessed valuation, as it shall deem necessary to provide for the relief of poor persons having a legal settlement therein needing public relief or support; which tax may, if necessary, be in addition to and in excess of the aggregate amount of city or township taxation otherwise authorized by law to be levied therein.

SEC. 11. This act shall take effect and be in force from and after the thirty-first (31st) day of May, eighteen hundred and ninety-one (1891).

Approved April 11, 1891.

## CHAPTER 480.

[H. F. No. 470.]

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND NINETY-FIVE (395) OF SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That Chapter three hundred and ninety-five (395) of the Special Laws of the state of Minnesota for the year of eighteen hundred and eighty-nine (1889) be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved April 13, 1891.

## CHAPTER 481.

[H. F. No. 917.]

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WRIGHT COUNTY TO ISSUE BONDS TO AID IN BUILDING A BRIDGE ACROSS THE MISSISSIPPI RIVER AT MONTICELLO.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. The board of county commissioners of the county of Wright, in the state of Minnesota, are hereby authorized and empowered to issue the bonds of said county, to an amount not exceeding six thousand dollars (\$6,000), for the purpose of aiding in building a bridge across the Mississippi river at Monticello, in said county. Such bonds to be in such sums or denominations, payable at such times and bearing such interest as said board shall in its discretion determine, to be signed by the chairman of said board and attested by the auditor of said county and sealed with his official seal.

SEC. 2. The auditor of said county shall keep a record of all such bonds, showing the date, number and amount of each bond, the rate of interest, the time when due, the place where payable, and the name of the party to whom issued; and the board of county commissioners of said county of Wright shall, annually, after the issuance of said bonds, levy a tax, in addition to all other taxes, sufficient to pay the interest accruing yearly upon said bonds; and when any of the principal is about to become due, they shall in like manner levy a sufficient amount of taxes to pay such principal when due.

SEC. 3. The board of county commissioners of said county shall have authority to negotiate said bonds, but for not less than par value, and the proceeds thereof shall be used for no other purpose than building or aiding in the building of said bridge.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.

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## CHAPTER 482.

[H. F. No. 958.]

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF THE TOWN OF BUFFALO, IN WRIGHT COUNTY, TO DRAIN RICE LAKE IN SAID TOWN.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the board of supervisors of the town of Buffalo, in Wright county, be and they are hereby authorized to drain Rice lake, situate on the section line between sections twenty (20) and twenty-nine (29), in said town, for the purpose of enabling them to build a public highway over and across said lake, on said section line.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 483.

[H. F. No. 894.]

AN ACT TO AMEND SECTIONS ONE (1) AND TWO (2) OF CHAPTER FOUR HUNDRED AND THIRTY-TWO (432) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO REGULATE AND FIX THE COMPENSATION OF CLERK OF THE DISTRICT COURT OF WRIGHT COUNTY."

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter four hundred and thirty-two (432) of the Special Laws of eighteen hundred and eighty-nine (1889) be amended so as to read as follows:

Sec 1. The compensation of the clerk of the district court of Wright county, for the faithful performance of all services now or hereafter required or permitted by law to be done and performed by him, shall be a salary of ten hundred and eighty (\$1080) dollars per annum, in lieu of all fees of every nature and kind, so that it shall be unlawful for said clerk to take or receive any other fee or compen-

sation whatever for or on account of any service whatever which he may render to said county in any capacity whatever during his said continuance in said office; said salary shall be payable in twelve (12) equal installments, one (1) at the end of each month, by the county treasurer, out of the treasury of the county, upon the warrant of the county auditor.

SEC. 2. That section two (2) of said chapter be and the same is hereby amended so as to read as follows:

Sec. 2. That for each day during any general or special term of said court which may be hereafter held in said county, the said clerk of court shall be allowed a deputy, who shall receive as full compensation for his services as such deputy the sum of three (3) dollars per day and no more; and it shall be the duty of said clerk of court, at the end of any general or special term of said court, to furnish to such deputy a certificate of the number of days of service and the amount of the compensation such deputy is entitled to receive for such general or special term, and upon the presentation of said certificate the county auditor shall issue to such deputy his warrant upon the county treasurer for the amount thereof, which shall be paid out of the county treasury.

SEC. 3. That this act shall take effect and be in force from and after the first (1st) day of January, eighteen hundred and ninety-three (1893).

Approved April 11, 1891.

## CHAPTER 484.

[H. F. No. 858.]

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER FOUR HUNDRED AND FIFTY-TWO (452) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO REGULATE AND FIX THE COMPENSATION OF THE REGISTER OF DEEDS FOR WRIGHT COUNTY."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section one (1) of Chapter four hundred and fifty-two (452) of the Special Laws of eighteen hundred and eighty-nine (1889) be amended so as to read as follows:

Sec. 1. The compensation of the register of deeds of Wright county, for the faithful performance of all services now or hereafter required by law to be done and performed by him, shall be a salary of twelve hundred (1200) dollars per annum, in lieu of all fees of every nature and kind; said salary shall be payable in twelve (12) equal installments, one at the end of each month, by the county treasurer out of the treasury of the county, upon the warrant of the county auditor.

SEC. 2. This act shall take effect and be in force from and after the first (1st) day of January, eighteen hundred and ninety-three (1893).

Approved April 15, 1891.

## CHAPTER 485.

[S. F. No. 647.]

**AN ACT TO AMEND SECTIONS ONE (1) AND TWO (2) OF CHAPTER THREE HUNDRED AND SEVENTY-THREE (373) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT TO FIX THE COMPENSATION OF THE COUNTY AUDITOR OF WRIGHT COUNTY."**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** That section one (1) of Chapter three hundred and seventy-three (373) be amended so that the same shall hereafter read as follows :

**Sec. 1.** The compensation of the county auditor of Wright county, in lieu of the compensation now allowed by law and in lieu of all fees of every nature and kind now or hereafter paid to said auditor, shall be a salary of twelve hundred (1200) dollars per annum, and no more; said salary shall be payable in twelve (12) equal installments, one (1) at the end of each month, out of the county treasury.

**SEC. 2.** That section two (2) of said chapter be and the same is hereby amended so that said section two (2) shall hereafter read as follows :

**Sec. 2.** An allowance of seven hundred and twenty (720) dollars per annum, and no more, is hereby granted for the annual compensation of a deputy county auditor for said county; said compensation shall be payable to said deputy in twelve (12) equal installments, one (1) at the end of each month, upon the warrant of the county auditor, out of the county treasury. The allowance so paid for deputy hire shall in all cases be for actual services rendered.

**SEC. 3.** This act shall take effect and be in force from and after January first (1st), eighteen hundred and ninety-three (1893).

Approved April 17, 1891.

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## CHAPTER 486.

[S. F. No. 658.]

**AN ACT TO PROTECT THE FISH IN THE WATERS AND LAKES OF BECKER COUNTY.**

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** No person shall, at any time, take, catch or kill any fish of any kind, from or in any of the waters of the county of Becker, in this state, in any other manner than by angling for them with line



or rod held in the hand or trolling from a boat in motion; *Provided*, that this act shall not prohibit the catching of minnows for bait from the first (1st) day of May to the first (1st) day of October in each year; *Provided*, the persons using nets for that purpose shall not set them and shall throw back any game fish taken therein.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars or more than fifty (50) dollars and costs of prosecution.

SEC. 3. It shall be the duty of supervisors and constables of towns, the trustees and marshals of incorporated villages, and all others residing or being within said county, and having knowledge of the violation of any of the provisions of this act, to make complaint thereof to any justice of the peace within said county; and such justice shall thereupon issue his warrant for the arrest of the offender, and shall upon the arrest of such offender and return of such warrant proceed to hear and determine the matter in issue in the same manner as in other cases, and every person convicted of the violation of any of the provisions of this act shall stand committed until his fine and costs are paid; *Provided*, that such imprisonment shall not exceed sixty (60) days.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

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## CHAPTER 487.

[S. F. No. 52.]

AN ACT TO REGULATE THE CATCHING OF FISH IN CRYSTAL LAKE, LOON LAKE, MILLS LAKE AND LILY LAKE, IN BLUE EARTH COUNTY, MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. It shall be unlawful for any person or persons to catch, kill or destroy in any manner any fish in Crystal lake, Loon lake, Mills lake or Lily lake, in the county of Blue Earth and state of Minnesota, or in any slough connected with either of said lakes or within the distance of one (1) mile from either of said lakes, up any inlet or down any outlet leading into or out of either of said lakes, during the months of December, January, February and March of each year; or at any other period of the year, except by angling with the hook and line.

SEC. 2. Any person or persons violating any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall suffer and pay a fine of not less than five dollars (\$5) or more than twenty-five dollars (\$25), together with the costs of prosecution, and in default of the payment of such fine and costs shall be committed to the county jail of said county until such fines and costs are paid, not exceeding thirty (30) days.

SEC. 3. All prosecution under the provisions of this act shall be commenced by complaint under oath, within sixty (60) days from the time the offense was committed, before any justice of the peace in and for said county of Blue Earth, and all fines collected under the provisions of this act shall be paid, one-half to the complainant and one-half into the county common school fund of said county.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

## CHAPTER 488.

[S. F. No. 469.]

AN ACT TO REGULATE THE CATCHING OF FISH IN THE WATERS OF LAKES WASHINGTON, JEFFERSON AND MADISON, IN THE COUNTIES OF BLUE EARTH AND LE SUEUR, IN STATE OF MINNESOTA, AND TO REPEAL CHAPTER THREE HUNDRED AND FORTY (340) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That it shall be unlawful for any person or persons to spear, net or in any manner take or catch any fish in lakes Washington, Jefferson or Madison, in the counties of Blue Earth and Le Sueur, in the state of Minnesota, or from any inlet or outlet of either of said lakes within said counties, between the first (1st) day of December and the first (1st) day of April following of each and every year, or for any person or persons to take or catch any fish from either of said lakes or their inlets or outlets as aforesaid at any time of the year, excepting by means of hook and line.

SEC. 2. Any person who shall violate the provisions of this act shall upon conviction thereof be fined the sum of five dollars (\$5) for each and every fish so speared, netted or in any manner taken or caught as aforesaid, together with the costs of prosecution, and shall stand committed to the county jail of the county within which such violation occurs until such fine be paid; *Provided*, that such imprisonment shall not exceed one (1) month.

SEC. 3. The sheriffs and deputy sheriffs, the constables of the several townships and the marshals and police officers of the several towns, villages and cities in the counties of Blue Earth and Le Sueur, who are now or may hereafter be in office, shall be within their several jurisdictions the fish wardens of the said counties of Blue Earth and Le Sueur. And it shall be the duty of all of said wardens to faithfully enforce all of the provisions of this act, and it shall be and is hereby made the duty of every such officer to (but any other person may) take cognizance of all violations of this act; and where, of their own knowledge or upon receiving information, it shall appear that

any provision of this act has been violated, it shall be the duty of such officer or officers to make complaint and prosecute such offender.

SEC. 4. Any sheriff, deputy sheriff, constable, marshal or police officer of either of said counties, or any of their townships, villages or cities who willfully neglects or refuses to perform any duty required of him by section three (3) of this act, shall be deemed guilty of a malfeasance in office, and shall, upon conviction thereof, be disqualified from holding the same for and during the remainder of the term for which he was elected or appointed.

SEC. 5. All prosecutions under this act shall be commenced within sixty (60) days after the time of the commission of any offense thereunder and shall be upon complaint on oath before any justice of the peace within the county in which such offense occurs; and all fines imposed and collected under this act shall be paid into the treasury of the county wherein such offense is committed for the use and benefit of the common schools of such county.

SEC. 6. Chapter three hundred and forty (340) of the Special Laws of eighteen hundred and eighty-seven (1887), and all acts or parts of acts inconsistent with the provisions of this act, so far as the same apply to the counties of Blue Earth and Le Sueur, be and the same are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

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## CHAPTER 489.

[S. F. No. 189.]

AN ACT TO REGULATE THE CATCHING OF FISH IN ANY OF THE LAKES AND STREAMS OF CHISAGO COUNTY, AND TO PROHIBIT SHIPPING OUT OF SAID COUNTY FOR THE PURPOSE OF SALE ANY FISH CAUGHT IN LAKES OR STREAMS IN SAID COUNTY, AND TO REPEAL ALL LAWS INCONSISTENT THEREWITH.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It shall be unlawful for any person or persons to catch, capture, kill or destroy, except by hook and line, any fish or fishes in any of the lakes or streams of Chisago county, Minnesota.

SEC. 2. It shall be unlawful for any person or persons to ship or carry out of said Chisago county, for the purpose of sale in any manner whatsoever, any fish or fishes caught in any of the lakes and streams of said Chisago county, Minnesota.

SEC. 3. Whoever violates the provisions of either of the preceding sections shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be punished by a fine of not less than ten (\$10) dollars nor more than fifty (\$50) dollars, for each and every such offense, together with costs of prosecution, and on default in the payment thereof may be imprisoned in the county jail not exceeding thirty (30) days for each and every offense.

**SEC. 4.** All prosecutions under the provisions of this act shall be commenced by complaint, under oath, within sixty (60) days from the time the offense was committed, before any justice of the peace in said county; and all fines collected under the provisions of this act shall be paid in each case, three-fourths to the complainant and one-fourth to the common school fund of the county.

**SEC. 5.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 6.** This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

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## CHAPTER 490.

[S. F. No. 493.]

AN ACT TO REGULATE THE CATCHING OF FISH IN LAKE EMILY, IN LE SUEUR COUNTY, AND PRESCRIBING PENALTIES THEREFOR.

*Be it enacted by the Legislature of the State of Minnesota:*

**SECTION 1.** It shall be unlawful hereafter for any person or persons to catch, kill or destroy, in any manner whatever, any fish in Lake Emily, in Le Sueur county, between the first (1st) day of November and the first (1st) day of May following, in each year.

**SEC. 2.** Any person or persons violating any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five (5) dollars nor more than twenty-five (25) dollars, in the discretion of the court, together with the costs of prosecution, and in default of the payment of said fine and costs, shall be imprisoned in the county jail for a period not exceeding thirty (30) days.

**SEC. 3.** All prosecutions under the provisions of this act shall be commenced by complainant under oath, within sixty (60) days from the time the offense was committed, and all fines collected under the provisions of this act shall be paid one-half to the complainant and one-half to the common school fund of said Le Sueur county.

**SEC. 4.** Suit may be commenced and prosecuted by any person, under oath, having knowledge of the violation of this act, before any justice of the peace of said Le Sueur county, and it shall be the duty of the county attorney of said county to prosecute each suit.

**SEC. 5.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 6.** This act shall take effect and be in force from and after its passage.

Approved April 16, 1891.

## CHAPTER 491.

[H. F. No. 648.]

AN ACT TO PREVENT THE DESTRUCTION OF FISH IN THE WATERS OF PRAIRIE LAKE, IN THE COUNTY OF DAKOTA AND STATE OF MINNESOTA.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION. 1. No person shall at any time take, catch or kill any pickerel, bass or other fish in the lake known as Prairie lake, in the county of Dakota and state of Minnesota, except by angling with hook and line.

SEC. 2. No person shall at any time build or place any fish-house, tent or anything that could be used for the purpose of spearing fish, on lake known as Prairie lake, in Dakota county, state of Minnesota.

SEC. 3. No person shall at any time in the months of April and May, take, catch or kill any pickerel, bass or other fish in the lake known as Prairie lake, in the county of Dakota, state of Minnesota, either with hook, line or otherwise.

SEC. 4. Any person or persons violating any of the provisions of the preceding sections shall be guilty of misdemeanor, and, upon conviction thereof, shall suffer and pay a fine not less than two dollars (\$2) nor more than five dollars (\$5) for each fish caught, taken or killed, together with costs of prosecution, and a fine of not less than five dollars (\$5) for each fish-house built on said Prairie lake, and in default of the payment of said fine and costs shall be committed to the county jail of said Dakota county for a term not exceeding thirty (30) days.

SEC. 5. All prosecutions under the provisions of this act shall be commenced by complaints, under oath, within sixty (60) days from the time the offense was committed, before any justice of the peace in said county, and all fines collected under the provisions of this act shall be paid into the common school fund of said county.

SEC. 6. All previous laws relating to the catching of fish in said Prairie lake are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 492.

[H. F. No. 130.]

**AN ACT REGULATING THE TAKING OF FISH IN THE WATERS OF HENNEPIN COUNTY.***Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** It shall be unlawful to catch, kill or destroy, in any manner otherwise than with hook and line, any fish in any lake, river or stream in the county of Hennepin.

**SEC. 2.** Any person who shall violate the provisions of this act shall, upon conviction thereof, before any justice of the peace in said county or before a judge of the municipal court of the city of Minneapolis, be punished by fine of not less than twenty (20) nor more than fifty (50) dollars for each and every fish so caught, captured, taken or destroyed, together with the costs of prosecution.

One-half of all fines collected for violation of this act shall be paid to the person making the complaint.

**SEC. 3.** All acts or parts of acts inconsistent with this act are hereby repealed.

**SEC. 4.** This act to take effect and be in force from and after its passage.

Approved April 20, 1891.

## CHAPTER 493.

[H. F. No. 358.]

**AN ACT TO REGULATE THE CATCHING OF BROOK TROUT IN THE WATERS OF THE STREAM KNOWN AS THOMPSON'S CREEK, AND ITS TRIBUTARIES (EXCLUSIVE OF LAKE COMO), IN THE COUNTY OF HOUSTON.***Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** No person shall, for the period of four (4) years from and after the passage of this act, catch, kill or take, by any device whatever, any speckled river or brook trout in the stream known as Thompson's creek and its tributaries (exclusive of Lake Como), in the county of Houston, in the state of Minnesota.

**SEC. 2.** After the expiration of the four (4) years specified in section one (1) of this act, no speckled river or brook trout shall be taken from said stream and its tributaries (exclusive of Lake Como), except between the first (1st) day of May and the fifteenth (15th) day of September in each year; and during such periods by means of hook and line only.

## CHAPTER 496.

[S. F. No. 858.]

AN ACT TO AMEND "AN ACT REGULATING THE CATCHING OF FISH IN CERTAIN LAKES IN MEEKER AND WRIGHT COUNTIES," BEING CHAPTER FOUR HUNDRED AND SIXTY (460) OF SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter four hundred and sixty (460) of the Special Laws of the State of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

Sec. 1. It shall be unlawful hereafter for any person to catch, kill or destroy, in any manner whatever, any fish in Lake Mannuella, Lake Stella and Lake Washington, in Meeker county, and Lake Collinwood, in Meeker and Wright counties, between the first (1st) day of October and the first (1st) day of May of any year.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved April 22, 1891.

## CHAPTER 497.

[H. F. No. 274.]

AN ACT TO REGULATE THE CATCHING OF FISH IN ANY OF THE LAKES AND STREAMS OF POPE COUNTY, AND TO PROHIBIT SHIPPING OUT OF SAID COUNTY, FOR THE PURPOSE OF SALE, ANY FISH CAUGHT IN LAKES OR STREAMS IN SAID COUNTY, AND TO REPEAL ALL LAWS INCONSISTENT THEREWITH.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It shall be unlawful for any person or persons to catch, capture, kill or destroy, except by hook and line or spear, any fish or fishes in any of the lakes or streams of Pope county, Minnesota.

SEC. 2. It shall be unlawful for any person or persons to ship or carry out of said Pope county, for the purpose of sale, in any manner whatsoever, any fish or fishes caught in any of the lakes and streams of said Pope county, Minnesota.

SEC. 3. Whoever violates the provisions of either of the preceding sections shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars, for each and every offense, together with costs of prosecution, and on default in the payment thereof may be imprisoned in the county jail not exceeding thirty (30) days for each and every offense.

**SEC. 4.** All prosecutions under the provisions of this act shall be commenced by complaint under oath, within sixty (60) days from the time the offense was committed, before any justice of the peace in said county, and all fines collected under the provisions of this act shall be paid in each case, three-fourths to the complainant and one-fourth to the common school fund of the county.

**SEC. 5.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 6.** This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

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## CHAPTER 498.

[S. F. No. 368.]

### AN ACT TO PROHIBIT MARKET FISHING IN THE LAKES OF RAMSEY, WASHINGTON AND ANOKA COUNTIES EXCEPT IN THE MISSISSIPPI AND ST. CROIX RIVERS.

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** It shall be unlawful for any person or persons to kill or capture, in any manner whatsoever, any fish or fishes for the purpose of traffic, from any lake, pond or marsh, or from any inlet or outlet thereof, situated and being wholly or partly within the counties of Ramsey, Washington and Anoka, state of Minnesota; *Provided*, that the lake and river St. Croix and the Mississippi river shall be excluded from the provisions of this act.

**SEC. 2.** Any person or persons violating the provisions of the preceding section, or any person or persons having in his or their possession, for the purpose of sale, barter and trade, fish or fishes caught from aforesaid waters in said counties, shall be guilty of a misdemeanor, and upon conviction shall suffer and pay a fine of five (5) dollars for each and every fish in his or their possession, and by the forfeiture of any boat or tackle, implement or device used in the commission of the offense, together with the costs of prosecution, or both, in the discretion of the court. One-half of which fine, when collected, shall be paid to the complainant.

**SEC. 3.** All prosecutions under this act shall be commenced within one (1) month from the time when the offense was committed.

**SEC. 4.** It is hereby made the duty of supervisors and constables of towns, and all others residing or being in said counties, having knowledge of the violation of any of the provisions of this act, to make complaint thereof to some justice of the peace, or municipal court within either of the counties aforesaid, and such justice or court shall, upon complaint being made, issue a warrant for the arrest of the offender, and shall, upon the arrest of such offender and the return of such warrant, proceed to hear and determine the matter in issue, in the same manner as in other cases, and every person convic-



## CHAPTER 496.

[S. F. No. 858.]

AN ACT TO AMEND "AN ACT REGULATING THE CATCHING OF FISH IN CERTAIN LAKES IN MEEKER AND WRIGHT COUNTIES," BEING CHAPTER FOUR HUNDRED AND SIXTY (460) OF SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889).

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of Chapter four hundred and sixty (460) of the Special Laws of the State of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

Sec. 1. It shall be unlawful hereafter for any person to catch, kill or destroy, in any manner whatever, any fish in Lake Mannuella, Lake Stella and Lake Washington, in Meeker county, and Lake Collinwood, in Meeker and Wright counties, between the first (1st) day of October and the first (1st) day of May of any year.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

Approved April 22, 1891.

## CHAPTER 497.

[H. F. No. 274.]

AN ACT TO REGULATE THE CATCHING OF FISH IN ANY OF THE LAKES AND STREAMS OF POPE COUNTY, AND TO PROHIBIT SHIPPING OUT OF SAID COUNTY, FOR THE PURPOSE OF SALE, ANY FISH CAUGHT IN LAKES OR STREAMS IN SAID COUNTY, AND TO REPEAL ALL LAWS INCONSISTENT THEREWITH.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It shall be unlawful for any person or persons to catch, capture, kill or destroy, except by hook and line or spear, any fish or fishes in any of the lakes or streams of Pope county, Minnesota.

SEC. 2. It shall be unlawful for any person or persons to ship or carry out of said Pope county, for the purpose of sale, in any manner whatsoever, any fish or fishes caught in any of the lakes and streams of said Pope county, Minnesota.

SEC. 3. Whoever violates the provisions of either of the preceding sections shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars, for each and every offense, together with costs of prosecution, and on default in the payment thereof may be imprisoned in the county jail not exceeding thirty (30) days for each and every offense.

**SEC. 4.** All prosecutions under the provisions of this act shall be commenced by complaint under oath, within sixty (60) days from the time the offense was committed, before any justice of the peace in said county, and all fines collected under the provisions of this act shall be paid in each case, three-fourths to the complainant and one-fourth to the common school fund of the county.

**SEC. 5.** All acts and parts of acts inconsistent with this act are hereby repealed.

**SEC. 6.** This act shall take effect and be in force from and after its passage.

Approved March 11, 1891.

## CHAPTER 498.

[S. F. No. 368.]

AN ACT TO PROHIBIT MARKET FISHING IN THE LAKES OF RAMSEY, WASHINGTON AND ANOKA COUNTIES EXCEPT IN THE MISSISSIPPI AND ST. CROIX RIVERS.

*Be it enacted by the Legislature of the State of Minnesota :*

**SECTION 1.** It shall be unlawful for any person or persons to kill or capture, in any manner whatsoever, any fish or fishes for the purpose of traffic, from any lake, pond or marsh, or from any inlet or outlet thereof, situated and being wholly or partly within the counties of Ramsey, Washington and Anoka, state of Minnesota; *Provided*, that the lake and river St. Croix and the Mississippi river shall be excluded from the provisions of this act.

**SEC. 2.** Any person or persons violating the provisions of the preceding section, or any person or persons having in his or their possession, for the purpose of sale, barter and trade, fish or fishes caught from aforesaid waters in said counties, shall be guilty of a misdemeanor, and upon conviction shall suffer and pay a fine of five (5) dollars for each and every fish in his or their possession, and by the forfeiture of any boat or tackle, implement or device used in the commission of the offense, together with the costs of prosecution, or both, in the discretion of the court. One-half of which fine, when collected, shall be paid to the complainant.

**SEC. 3.** All prosecutions under this act shall be commenced within one (1) month from the time when the offense was committed.

**SEC. 4.** It is hereby made the duty of supervisors and constables of towns, and all others residing or being in said counties, having knowledge of the violation of any of the provisions of this act, to make complaint thereof to some justice of the peace, or municipal court within either of the counties aforesaid, and such justice or court shall, upon complaint being made, issue a warrant for the arrest of the offender, and shall, upon the arrest of such offender and the return of such warrant, proceed to hear and determine the matter in issue, in the same manner as in other cases, and every person convic-

ted of a violation of the provisions of this act shall be imprisoned in the county jail until such fine is paid; *Provided*, that such imprisonment shall not exceed two (2) months.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 23, 1891.

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## CHAPTER 499.

[H. F. No. 660.]

AN ACT TO AMEND "AN ACT TO REGULATE THE CATCHING OF FISH IN THE LAKES OF RICE COUNTY," THE SAME BEING CHAPTER FOUR HUNDRED AND FIFTY-FOUR (454), SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889.)

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section one (1) of said chapter four hundred and fifty-four (454) be and the same is hereby amended so as to read as follows:

Sec. 1. That all fishing with seines, nets, spears, set-lines, fish traps of any kind, shooting with a gun or otherwise, or fishing in any other manner than with hook and line, in any of the lakes or streams of Rice county, in this state, at any time of year, is hereby prohibited and made unlawful, and whoever shall take or kill or catch any fish in any of said lakes or streams in any other manner than with a hook and line, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of ten (10) dollars or imprisonment in the county jail not exceeding fifteen (15) days for the first offense, and by a fine of not less than twenty-five (25) dollars or imprisonment in the county jail for not less than thirty (30) days for each subsequent offense, one-half of said fine to be paid to the person who shall give information which shall lead to and secure conviction of any person violating any of the provisions of this act, the other half thereof to be paid into the school fund of the school district within which said offense was committed.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1891.

## CHAPTER 500.

[H. F. No. 1084.]

AN ACT TO PROHIBIT THE CATCHING OF FISH IN THE WATERS OF THE ST. LOUIS RIVER AND ST. LOUIS BAY WITH SEINES OR NETS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. It shall be unlawful for any person or persons, except state and United States fish commissioners, to set or put, or cause to be set or put, any nets, seines or other device for catching fish in any of the waters of St. Louis river or St. Louis bay within this state.

SEC. 2. Any person or persons convicted of a violation of this act shall be judged guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100), nor less than twenty-five dollars (\$25), or imprisonment in the county jail not exceeding thirty (30) days.

SEC. 3. All nets, seines or other contrivances or devices for catching or killing fish, if found placed, used or attempted to be used upon or in any premises, streams or waters protected and preserved by this act, within the limits or in the manner prohibited by this act, shall be and are hereby declared contraband; and any person finding the same or any of the same upon or in any such premises, streams or waters, is hereby authorized to destroy the same, and no action for damages, or any criminal proceeding, shall lie against him for such destruction.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

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## CHAPTER 501.

[H. F. No. 1259.]

AN ACT TO REGULATE THE CATCHING OF FISH IN CANOSIA, CARIBOU AND GRAND LAKES, IN THE COUNTY OF ST. LOUIS.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION I. It shall be unlawful for any person or persons, except the state and United States fish commissioners, to catch, kill or destroy, or in any manner to take any fish from the waters of Canosia, Caribou or Grand lakes, in the county of St. Louis, between the first (1st) day of October and the first (1st) day of June, inclusive, in each year; and from the first (1st) day of June until the first (1st) day of October, inclusive, in each year, it shall be lawful to catch fish in the above named lakes.

SEC. 2. Any person or persons violating any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall suffer and pay a fine not less than ten dollars (\$10), nor more than twenty-five dollars (\$25), together with costs of prosecution; and in default of the payment of such fine and costs shall be committed to the county jail of the county for a term not exceeding thirty (30) days for every offense.

SEC. 3. All prosecutions under the provisions of this act shall be commenced by complaint under oath, within sixty (60) days from the time the offense was committed, before any justice of the peace in the county where such offense was committed, and all fines collected under the provisions of this act shall be paid one-half to the complainant and one-half into the common school fund of the district in which such offense was committed.

SEC. 4. Suits may be commenced and prosecuted by any person having knowledge of the violation of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 20. 1891.

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## CHAPTER 502.

[S. F. No. 686.]

AN ACT TO REGULATE THE CATCHING OF FISH IN ANY OF THE LAKES AND STREAMS, OF SCOTT COUNTY (EXCEPT IN THE MINNESOTA RIVER), AND TO PROHIBIT SHIPPING OUT OF SAID COUNTY, FOR THE PURPOSE OF SALE, ANY FISH CAUGHT IN LAKES AND STREAMS IN SAID COUNTY, AND TO REPEAL ALL LAWS INCONSISTENT THEREWITH.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. It shall be unlawful for any person or persons to catch, capture, kill or destroy, except by hook and line, any fish or fishes in any of the lakes or streams of Scott county, Minnesota (except in the Minnesota river), and it shall be unlawful for any person to catch, capture or destroy any fish or fishes in any of the lakes or streams of Scott county, in any manner whatever, during the months of April and May in each year (except in the Minnesota river).

SEC. 2. It shall be unlawful for any person or persons to ship or carry, or cause to be shipped or carried, out of said Scott county, for purpose of sale in any manner whatever, any fish or fishes caught in any of the lakes or streams of said Scott county, Minnesota (except such as are or shall be caught in the Minnesota river).

SEC. 3. Any person who violates any of the provisions of either of the foregoing sections shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be punished by a fine of not less than five (5) dollars, nor more than fifty (50) dol-

lars, for each offense, together with the costs of prosecution; and on default in the payment thereof shall be imprisoned in the county jail not exceeding thirty (30) days for each such offense.

SEC. 4. All prosecutions for any violations of any of the provisions of this act shall be commenced within ninety (90) days from and after the offense has been committed.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 1, 1891.

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## CHAPTER 503.

[H. F. No. 808.]

AN ACT TO PREVENT THE CATCHING OF FISH IN MONSON LAKE, SWIFT COUNTY, MINNESOTA, EXCEPT AS HEREINAFTER PROVIDED FOR, AND FOR THE PUNISHMENT OF THE SAME.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That on and after the first (1st) day of May, eighteen hundred and ninety-one (1891), it shall be unlawful for any person to catch, kill or in any manner destroy any fish in Monson lake, Swift county, Minnesota, by any tool, weapon or device whatsoever, except by spearing or catching by hook and line.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding twenty-five dollars (\$25) or imprisonment in the county jail for not more than twenty-five (25) days.

SEC. 3. This act shall take effect and be in force from and after the first (1st) day of May, one thousand eight hundred and ninety-one (1891).

Approved April 20, 1891.

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## CHAPTER 504.

[S. F. No. 310.]

AN ACT TO REGULATE THE CATCHING OF FISH IN LAKE JOHN, LAKE SYLVIA AND PLEASANT LAKE, IN WRIGHT COUNTY, AND IN CLEARWATER LAKE, IN WRIGHT AND STEARNS COUNTIES, AND IN THE WATERS TRIBUTARY TO SAID LAKES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That it shall be unlawful for any person or persons to take, catch, kill or destroy any fish of any kind whatever, in any

way or manner whatever, or by means of any device or devices whatever, in Lake John or in Lake Sylvia or in Pleasant Lake, in Wright county or in Clearwater Lake, in Wright and Stearns counties, in the state of Minnesota, or in any outlet or inlet of either or any of said lakes, within a distance of four (4) miles thereof, between the first (1st) day of December and the fifteenth (15th) day of May following in each year; and after the said fifteenth (15th) day of May and up to and until the said first (1st) day of December in any year it shall be lawful to take fish in either of said lakes or in their outlets or inlets with rod and line only, with single hook.

SEC. 2. Whoever violates the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (10) nor more than fifty (50) dollars, for each and every offense, together with the costs of prosecution; and in default of the payment of such fine and costs, shall be committed to the county jail for a term not less than ten (10) nor more than sixty (60) days.

SEC. 3. All prosecutions under the provisions of this act shall be commenced by complaint, under oath, within ninety (90) days from the time when the offense was committed, and all fines collected under the provisions of this act shall be paid, one-half to the complainant, and one-half into the township treasury of the town in which the offense was committed; *Provided*, that nothing in this act shall be construed to prevent the netting of minnows for bait.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1891.

## CHAPTER 505.

[S. F. No. 180.]

AN ACT TO LEGALIZE ALL ACTS HERETOFORE DONE AND PERFORMED FOR AND IN BEHALF OF THE ACADEMY OF OUR LADY OF LOURDES, OF ROCHESTER, MINNESOTA, BY THE SAID ACADEMY, ITS BOARD OF TRUSTEES, ITS OFFICERS, OR ANY, EITHER OR ALL OF THEM.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That all acts heretofore done and performed for and in behalf of the Academy of Our Lady of Lourdes, of Rochester, Minnesota, by the said academy, its board of trustees, its officers, or any, either or all of them, are hereby legalized and declared valid to all intents and purposes for which the same were intended, and are hereby given the same force and effect as if any, either or all of said parties had full power and authority to do and perform the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1891.

## CHAPTER 506.

[S. F. No. 136.]

AN ACT SUPPLEMENTAL TO "AN ACT TO INCORPORATE ST. PAUL LODGE, NUMBER TWO (2), OF THE INDEPENDENT ORDER OF ODD FELLOWS OF THE TOWN OF ST. PAUL," APPROVED FEBRUARY THIRTEENTH (13th), ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE (1851), AND ACTS AMENDATORY THEREOF.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the said incorporation, incorporated under the said name, to-wit: "St. Paul Lodge, Number Two (2), of the Independent Order of Odd Fellows of the Town of St. Paul," approved February thirteenth (13th), one thousand eight hundred and fifty-one (1851), be and the same is hereby invested with full power and authority to purchase, acquire, hold, possess, use, occupy and enjoy, real and personal estate to the amount of five thousand (5,000) dollars, and to sell and convey, or otherwise dispose of the same, in such manner as may be prescribed by the constitution, by-laws and regulations of said lodge; *Provided*, that said corporation shall have no authority to sell its real property located on the corner of Wabasha and Fifth (5th) street in St. Paul, Minnesota, and it shall have no authority to mortgage or incumber said real estate save after notice of its intention to consider the advisability of so doing has been published in some newspaper in St. Paul at least two (2) weeks prior to the time fixed and named in said notice for the consideration thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 507.

[H. F. No. 849.]

AN ACT TO AUTHORIZE MORRIS THOMAS TO IMPROVE ASH RIVER, AND TO COLLECT TOLL THEREFOR.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. Morris Thomas, of Duluth, Minnesota, is authorized to improve, for navigation of logs, the stream known as Ash river, in St. Louis county, from the head of said river at Ash lake, in township sixty-six (66), range twenty (20), through townships sixty-seven (67) and sixty-eight (68), and ranges nineteen (19) and twenty (20), to the mouth of said river, at Ga-bi-to-gu-mac lake, and for such purpose said Morris Thomas is hereby empowered to clear the channel



of said stream and remove obstructions therefrom, and so construct, maintain and operate, at any point or points between the limits aforesaid, such dams, booms and other works as may be necessary or convenient therefor; *Provided*, that such dams and booms shall be so constructed as not to hinder or obstruct the free passage of rafts, boats or other water crafts navigating said stream.

SEC. 2. Said Morris Thomas, upon completing such improvement, shall be entitled to charge and collect, as compensation for the improvement aforesaid, the sum of fifty (50) cents per thousand (1,000) feet, board measure, upon all logs driven through said stream between the points above stated, which said charge shall be a lien upon said logs, and said Thomas is authorized, upon clearing the channel of said river, to detain logs so driven through the same or any part thereof, at the mouth of said river, until the charges hereinbefore specified are paid; said lien to be enforced and the charges collected in the manner provided in Chapter eighty-nine (89) of the General Laws of one thousand eight hundred and seventy-six (1876), and the amendments thereto.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 22, 1891.

STATE OF MINNESOTA,  
OFFICE OF SECRETARY OF STATE. }  
ST. PAUL, July 29, 1891.

I hereby certify that the Special Laws passed during the legislative session of 1891, and approved by the Governor, were duly filed in the office of the Secretary of State, and that the foregoing printed copies thereof have been carefully compared with the originals, and that the same are true and correct copies thereof; and that this publication is the official publication of said laws, duly authorized by law.

F. P. BROWN,  
*Secretary of State.*



# INDEX TO SPECIAL LAWS.

	PAGE.
<b>ACADEMY OF OUR LADY OF LOURDES—</b>	
Legalizing acts of certain officers.....	1102
<b>ADA, VILLAGE OF—</b>	
Amending chapter 46, special laws of 1889, making a separate election district.....	698
Change of boundaries in school district.....	925
<b>ADRIAN, VILLAGE OF—</b>	
Authorized to issue bonds for water supply.....	751
<b>AITKIN, COUNTY OF—</b>	
Commissioners authorized to employ counsel in certain tax cases.....	950
Repeal of act giving justices of peace jurisdiction over Itasca county...	1008
Salary of judge of probate.....	950
<b>ALBERT LEA, CITY OF—</b>	
Amending chapter 10, special laws of 1889, adding new territory.....	695
repealing sections creating a board of public works, and vesting power in council.....	695
Authorizing issue of bonds for water works.....	821
Authorized to issue refunding bonds for railroad bonds heretofore issued jointly by city and town.....	828
Defining the term of office of city justices.....	774
<b>ALEXANDRIA, VILLAGE OF—</b>	
Amending chapter 2, special laws of 1881, relating to village hall and park grounds.....	714
authorized to issue bonds for the same.....	715
Amending section 2 of the foregoing act, limiting time of payment.....	823
Authorized to issue bonds for floating indebtedness.....	720
Boundaries of independent school district changed.....	917
<b>AMENDMENTS TO SPECIAL LAWS—</b>	
Special laws of 1864, chapter 14, relating to Red Wing board of education.....	880
Special laws of 1867, chapter 21, city charter of Rochester.....	457
Special laws of 1868, chapter 36, borough of Belle Plaine.....	717
chapter 38, village charter of Reads.....	551
Special laws of 1871, chapter 3, city charter of Hastings.....	776
Special laws of 1872, chapter 6, village charter of Glencoe.....	716
Special laws of 1873, chapter 1, city charter of St. Peter.....	151
Special laws of 1874, chapter 1, charter of St. Paul.....196, 199, 200, 220,	231
chapter 7, limit of taxation in Winnebago City.....	722
Special laws of 1875, chapter 6, charter of Shakopee, relating to assessor.....	696
chapter 25, relating to taxation in village of Lyle.....	724
Special laws of 1877, chapter 104, relating to public schools in Lake City.....	941
Special laws of 1878, chapter 156, school district boundaries in Mankato.....	889
chapter 155, board of education city of Winona.....	948

AMENDMENTS TO SPECIAL LAWS—*Continued.*

Special laws of 1879, chapter 14, village charter of Blue Earth City.....	708
chapter 311, salaries and fees of officers of Houston county.....	1007
Special laws of 1881, chapter 2, relating to parks in village of Alexandria	714
chapter 8, village charter of Cologne.....	718
chapter 28, charter of city of Moorhead, relating to sidewalks.....	749
chapter 29, village charter of Murdock.....	694
chapter 30, village charter of Morris.....	713
chapter 33, section 8, repealed in 1887, re-enacted, relating to vil- lage of Ortonville.....	789
chapter 38, village charter of Pine City.....	703
chapter 40, village charter of Red Lake Falls.....	728
chapter 47, charter of city of Waseca.....	557
chapter 51, city charter of Minneapolis.....	769
chapter 66, village charter of Kasson.....	729
chapter 76, charter of city of Minneapolis, powers of council.....	769
chapter 92, charter of Stillwater, relating to streets and assess- ments.....	531
Special laws of 1883, chapter 234, Lake City school district boundaries	877
chapter 316, making paupers a town charge in Douglas county.....	973
Special laws of 1885, chapter 13, relating to borough of Belle Plaine.....	718, 910
chapter 43, charter of city of Hastings.....	776
chapter 69, section 5, title A, relating to bridge across Lake Como, Houston county.....	1008
chapter 88, section 1, cattle running at large in Clay county.....	967
chapter 117, establishing a municipal court in Waseca.....	583
chapter 95, section 1, salary of auditor of Hennepin county.....	1005
Special laws of 1887, chapter 2, charter of city of Duluth.....	702
chapter 4, city charter of New Ulm.....	790
chapter 5, city charter of Winona, biennial elections.....	711
chapter 5, city charter of Winona, official newspapers.....	732
chapter 5, city charter of Winona, improvements and assessments...	744
chapter 6, relating to salaries, etc., city of Stillwater.....	549
chapter 7, charter of St. Paul.....	218, 225, 234
chapter 8, city charter of Mankato.....	387
chapters 10 and 15, charter of Minneapolis.....	763, 764
chapter 24, relating to charter of city of Austin.....	697
chapter 45, charter of East Grand Forks.....	704
chapter 48, relating to superintendent of workhouse in St. Paul.....	223
chapter 95, salary of probate clerk of Hennepin county.....	984
chapter 302, separating village of Ortonville as an election dis- trict.....	789
chapter 358, monthly statement of clerk of court and register of deeds of Otter Tail county.....	1031, 1032
chapter 363, relating to fees of sheriff of Ramsey county.....	1036
chapter 369, salary of county attorney and assistant of Hennepin county.....	1003
chapter 394, salaries and duties of treasurer of Dakota county.....	970
Special laws of 1889, chapter 1, charter of West St. Paul, relating to indebtedness, elections, etc.....	747
chapter 3, charter of village of Barnesville.....	692
chapter 6, caring for poor in St. Cloud.....	705
chapters 8 and 86, city charter of Little Falls.....	783, 794
chapter 9, city charter of Anoka.....	712, 749
chapter 10, charter of city of Albert Lea.....	695, 774
chapter 11, city charter of Brainerd.....	735
chapter 12, city charter of Mankato.....	387
chapter 13, city charter of Wabasha, relating to licenses.....	733
chapter 15, relating to municipal court in Sank Centre.....	785
chapter 17, municipal court of Tower, title to real estate.....	735
municipal court of Tower, powers of court, etc.....	737
chapter 18, municipal court of Anoka.....	784
chapters 19, 96 and 304, city charter of Duluth.....	620
chapter 25, transfer of license money in East Grand Forks.....	705

**AMENDMENTS TO SPECIAL LAWS—Continued.**

chapter 31, village charter of Princeton.....	709
chapter 32, city charter in St. Paul.....	227, 234
chapter 34, deputy clerks of municipal court of Minneapolis.....	771
chapter 46, making a separate election district of the village of Ada...	698
chapter 49, local improvements in St. Paul.....	218
chapter 51, police department of Minneapolis.....	768
chapter 103, relating to county roads in Hennepin county	991, 993, 1003, 1004
chapter 110, school districts in Mankato.....	890, 912
chapter 118, board of education of city of Brainerd.....	878
chapter 135, relating to salary of treasurer of Hennepin county.....	1002
chapter 182, relating to voting for issue of bonds for county build- ings in Kittson county.....	1012
chapter 197, section 4, adding proviso relating to bridge at Bloom- ington Ferry.....	994
chapter 197, section 3, increasing the issue of bonds by Dakota county for a bridge across the Minnesota river.....	972
chapter 265, relating to issue of bonds for Como park in St. Paul.....	244
chapter 273, relating to the care of the poor in Grant and Stevens counties.....	981
chapter 349, regulating compensation of auditor and treasurer of St. Louis county.....	1053
chapter 351, relating to municipal court of St. Paul.....	277, 279
chapter 373, fixing compensation of county auditor of Wright county.....	1087
chapter 375, smoke nuisance in St. Paul.....	276
chapter 382, relating to parks and parkways in Winona.....	896
chapter 391, city charter of Northfield.....	691
chapter 396, relating to commissioner districts in Hennepin county.....	985, 987
chapter 401, public parks of Duluth.....	608
chapter 414, relating to manner of paying clerk hire of probate court of Ramsey county.....	1037
chapter 425, relating to police pension in St. Paul.....	233
chapter 428, relating to phonographic reporters for district courts in Hennepin county.....	984
chapter 432, fixing compensation of clerk of court of Wright county.	1085
chapter 452, fixing compensation of register of deeds of Wright county.....	1086
chapter 454, regulating the catching of fish in Rice county.....	1098
chapter 460, regulating the catching of fish in Meeker and Wright counties.....	1096
chapter 510, authorizing St. Cloud school district to issue bonds...	939
chapter 522, relating to independent school district of Slayton, in Murray county.....	924
Special laws of 1891, chapter 5, charter of St. Peter, repair of side- walks.....	728
chapter 6, the amended charter of St. Paul.....	225, 226
chapter 15, relating to municipal court of Sauk Centre.....	785
chapter 55, charter of city of Duluth.....	701
chapter 85, amending chapter 2 of special laws of 1881, relating to payment of park bonds.....	823
<b>AMBOY, VILLAGE OF—</b>	
Change of time of holding village election.....	863
<b>ANNANDALE, VILLAGE OF—</b>	
Created a separate election district.....	872
<b>ANOKA, CITY OF—</b>	
Amending chapter 9, special laws of 1889, relating to street commissioner extending the territorial limits.....	712 749
Amending chapter 18, special laws of 1889, relating to municipal court, correcting an omission of words.....	784

	Page.
<b>ANOKA, CITY OF—Continued.</b>	
Authorized to issue bonds for aiding an electric or steam railway.....	778
Authorized to issue refunding bonds for engine houses.....	780
Authorized to issue bonds for public improvements.....	815
<b>ANOKA, COUNTY OF—</b>	
Authorized to issue bonds for a bridge over Rum river.....	951
Authorized to issue bonds for the construction of roads.....	955
Enabling owners of land to lay out and construct roads.....	952
<b>ARGYLE, VILLAGE OF—</b>	
Authorized to issue bonds for railroad purposes.....	804
<b>ARLINGTON, VILLAGE OF—</b>	
Created a separate election district.....	897
<b>ATWATER, VILLAGE OF—</b>	
Authorized to issue bonds for floating indebtedness.....	843
<b>AUSTIN, CITY OF—</b>	
Amending chapter 24, special laws of 1887, relating to city boundaries relating to a public sidewalk.....	697
Authorized to issue bonds for water works.....	824
<b>BARNESVILLE, CITY OF—</b>	
Amendments to chapter 3, special laws of 1889, changing to biennial elections.....	692
extending terms of office to two years.....	693
relating to equalization of assessments.....	693
<b>BEAVER FALLS, VILLAGE OF—</b>	
Attempted incorporation legalized.....	874
<b>BECKER, COUNTY OF—</b>	
Authorized to issue bonds to fund floating indebtedness.....	956
Regulating fishing in lakes and streams.....	1087
<b>BELLE PLAINE, BOROUGH OF—</b>	
Amending chapter 36, special laws of 1868, relating to title of ordinances relating to the duties of the clerk of council.....	717
separating borough justice from town justice.....	717
Amending section 6 of chapter 13, special laws of 1885, relating to marshal.....	718
changing time of meeting of equalization board, section 9.....	718
Amending section 8 of chapter 13, special laws of 1885, relating to equalization.....	910
Repeal of section 9 of same chapter.....	910
Repealing section 2 of chapter 13, special laws of 1885, relating to the borough and town justices.....	717
<b>BELLINGHAM, VILLAGE OF—</b>	
Made a separate election district.....	873
<b>BELTRAMI, COUNTY OF—</b>	
County attorney and judge of probate, salaries prescribed.....	957
<b>BENTON, COUNTY OF—</b>	
Sauk Rapids Improvement Company empowered to maintain a dam across Mississippi river.....	957
<b>BENTON, VILLAGE OF—</b>	
Repeal of chapter 5, special laws of 1881, and vacating the village charter.....	900
<b>BIG STONE, COUNTY OF—</b>	
Running at large of cattle, horses, etc.....	958

**BLOOMING PRAIRIE, VILLAGE OF—**

Authorized to issue bonds for water supply.....	808
---	-----

**BLUE EARTH CITY, VILLAGE OF—**

Amending chapter 14, special laws of 1879, relating to sewers and water mains.....	708
may provide and control gas works and electric lights.....	709

**BLUE EARTH, COUNTY OF—**

Towns of Garden City and Vernon, authorized to issue bonds for refunding railroad bonds.....	958
Probate notices, publication of, in English newspapers.....	959
Regulating the catching of fish in Crystal, Loon, Mills and Lily lakes	1088
Regulating fishing in lakes Washington, Jefferson and Madison.....	1089
Repealing chapter 340, special laws of 1887, relating to fishing in lake Madison.....	1090

**BONDS AUTHORIZED—**

Adrian, village of, for water supply.....	751
Albert Lea, town of, for refunding certain railroad bonds.....	826
Albert Lea, city of, for water works.....	821
for refunding bonds, issued by town for railroads.....	828
Alexandria, village of, for village hall and park grounds.....	715
for floating indebtedness.....	720
Anoka county, for a bridge across Rum river.....	951
for the construction of roads, etc.....	955
Anoka, city of, for steam or electric railway.....	778
for refunding bonds for engine houses.....	780
for public improvements.....	815
Argyle, village of, for railroad purposes.....	804
Atwater, village of, for fire protection.....	843
Austin, city of, for water works.....	824
Becker county, for funding floating indebtedness.....	956
Blooming Prairie, village of, for water supply.....	808
Brainerd, city of, for a dam across the Mississippi river.....	857
Breckenridge, village of, for water works.....	802
Blue Earth county, towns of Garden City and Vernon, for refunding bonds for railroad purposes.....	958
Carlton county, for roads and bridges.....	960
for floating indebtedness.....	962
Chatfield, city of, for water works.....	813
Crookston, city of, for aid to railroads.....	809
Dakota county, additional for a bridge across the Minnesota river.....	972
town of Invergrove, for a bridge across the Mississippi river.....	1076
Detroit, village of, for construction of sewers.....	842
for a system of water works.....	845
Duluth, city of, for water and light.....	638
board of education, for sites and buildings.....	934
Elbow Lake, village of, for public improvements.....	837
Ely, city of, for general purposes.....	522
Excelsior, village of, for water supply.....	831
Fairmont, village of, for water supply.....	829
Faribault, city of, for railroad purposes.....	837
Faxon, town of, for railroad purposes.....	793
Fulda, village of, for water works.....	856
Gaylord, village of, for a town hall.....	710
Graceville, village of, for fire protection.....	723
Hastings, city of, for a bridge across the Mississippi river.....	827
Henderson, city of, for aid to a railroad.....	841
Jackson, village of, for water works.....	805
Lake county, for building roads.....	1014
Lake Crystal, village of, for water works.....	814
Lakeside, city of, for general purposes.....	662
Le Sueur, city of, for railroad purposes.....	819



## BONDS AUTHORIZED—Continued.

PAGE

Little Falls, city of, for fire department.....	802
for sewers and fire department.....	835
Long Prairie, village of, to fund floating indebtedness.....	807
Luverne, village of, for water works.....	859
Lyon county, for county buildings.....	1016
Madelia, village of, for water supply.....	848
Mankato board of education, for refunding.....	912
Mankato city, for railroad purposes.....	409
Mankato, city of, for general sewerage and water works.....	449
Minneapolis, city of, for a city hospital.....	766
for park improvements recognized.....	771
for permanent improvements authorized.....	772
Monticello, city of, for bridge across Mississippi.....	822
town of, for the same purpose.....	855
Morris, village of, to refund and for floating indebtedness.....	721
to issue bonds for water works.....	810
Morrison county, commissioners for furnishing courthouse.....	1021
town of Pierz, for railroad purposes.....	1022
town of Agram, for railroad purposes.....	1024
Murray county, for county buildings.....	1025
township of Murray, for county buildings.....	1027
New London, village of, for water supply.....	699
New Richland, village of, for water supply.....	847
New Ulm, city of, for aid to a railroad.....	839
Norman county, for refunding bonds.....	1030
Northern Pacific Junction, village of, for erecting court house and jail.....	796
Northfield, city of, for public improvements.....	836
Norwood, village of, for floating indebtedness.....	856
Ortonville, city of, for railroad purposes.....	781
Paynesville, city of, for railroad purposes.....	818
Polk county, for bridge over Red Lake river.....	820
Red Wing board of education, for refunding bonded indebtedness.....	883
Renville, village of, for fire protection.....	719
Rochester, city of, refunding bonds to meeting sinking fund deficiencies.....	484
for local improvements and sewers.....	485
Rochester city school district, for grounds and buildings.....	496
Rush City, village of, to fund floating indebtedness.....	782
St. Cloud, city of, to fund floating indebtedness.....	793
school district, authorized to increase its bonds.....	939
St. Peter, city of, to purchase right of way, etc.....	795
St. Vincent, village of, for court house and jail.....	797
Sauk Rapids, village of, for fire protection.....	800
Scott county, creating a fund for support of poor.....	1059
Sherburne county, town of Big Lake, for a bridge.....	1059
Sherburne county, for a bridge across Mississippi river.....	1060
Sibley county, township of Faxon, for railroads.....	793
South St. Paul, for water works.....	678
for railroad and wagon bridge.....	679
Steele county, for erecting court house.....	1065
Stephen, village of, for water works.....	852
Stevens county, for refunding railroad bonds.....	1068
Stillwater, city of, for permanent improvements.....	901
Thief River Falls, village of, for bridge purposes.....	820
Tower, city of, for street railroad purposes.....	777
Tracy, village of, for water works, sewers, etc.....	795
Traverse county, for public buildings.....	1067
Two Harbors, village of, for water works.....	730
Warren, city of, for general purposes.....	301
Waseca, city of, electric lights and water works.....	578
Waseca county, for fair grounds.....	1071
Washington county, towns of Cottage Grove, Denmark, and Newport town and village, for a bridge.....	1073, 1074, 1076

	PAGE.
<b>BONDS AUTHORIZED—Continued.</b>	
Watonwan county, for court house.....	1079
Waverly, village of, for erection of town hall.....	849
Wells, village of, for a public hall.....	803
Wheaton, village of, for water supply.....	775
Willmar, for water works.....	706
Windom, village of, for internal improvements.....	854
Winnebago City, village of, for water works, etc.....	812
Winona, city of, for bridge across Mississippi river.....	742
for water works.....	851
Winthrop, village of, for water works, etc.....	850
Worthington, village of, for electric light system.....	799
Wright county, for a bridge across the Mississippi river.....	1084
<b>BRAINERD, CITY OF—</b>	
Amending chapter 11, special laws of 1889, relating to time of election of city officers.....	735, 736
annual report of expenses by city clerk.....	736
city elections to be biennially.....	736
fixing terms of office.....	736
naming officers to be elected.....	735
Amending chapter 118, special laws of 1889, relating to the board of education.....	878
Authorized to issue bonds for a dam across the Mississippi river.....	857
Board of education authorized to make a settlement.....	915
<b>BRECKENRIDGE, VILLAGE OF—</b>	
Authorized to issue bonds for water works.....	802
<b>BRIDGES ACROSS RIVERS—</b>	
City of Hastings, to issue bonds to bridge the Mississippi river.....	827
City of Winona authorized to bridge the Mississippi river.....	742
County of Anoka, to issue bonds to bridge Rum river.....	951
County of Dakota, to increase issue of bonds for bridge across Minnesota river.....	972
County of Dakota, town of Invergrove, to issue bonds for a bridge across the Mississippi river.....	1076
County of Hennepin, bridge across Minnesota river at Bloomington Ferry.....	994
County of Polk, to issue bonds to bridge Red Lake river.....	820
County of Sherburne, town of Big Lake, to vote bonds for a bridge across Mississippi river.....	1059
commissioners authorized to vote bonds for a bridge across Mississippi river.....	1060
County of Washington, towns of Cottage Grove, Denmark, and town and village of Newport, to issue bonds for bridge across the Mississippi river.....	1073, 1074, 1076
County of Wright, to issue bonds for a bridge across the Mississippi river.....	1084
town of Monticello, to issue bonds to bridge the Mississippi river....	855
village of Monticello, to issue bonds to bridge the Mississippi river	822
<b>BRIDGMAN, VILLAGE OF—</b>	
Plat legalized.....	733
<b>BROWERVILLE, VILLAGE OF—</b>	
Separated from town of Hartford for election purposes.....	867
<b>BROWN, COUNTY OF—</b>	
All villages made separate election districts.....	864
Creating a school district out of territory in Brown and Redwood.....	913
Legalizing proceedings of independent school district number 7.....	914
Sleepy Eye lake, waters of, may be raised by village.....	909
<b>BUFFALO, VILLAGE OF—</b>	
Authorized to raise the waters in Buffalo lake.....	909
Created a separate election district.....	872

	PAGE.
<b>CALEDONIA, VILLAGE OF—</b>	
Declared a separate election district.....	889
<b>CANNON FALLS, VILLAGE OF—</b>	
Special election authorized to vote on liquor license... ..	886
<b>CANTON, VILLAGE OF—</b>	
To pay certain liquor license money to school district.....	886
<b>CARLTON, COUNTY OF—</b>	
Authorized to issue bonds for floating indebtedness.....	962
Authorized to issue bonds for roads and bridges .....	960
Probate judge, salary fixed.....	960
<b>CARLTON, VILLAGE OF—</b>	
Name of Northern Pacific Junction changed to.....	900
<b>CARVER, COUNTY OF—</b>	
Village charter of Benton vacated.....	900
<b>CASS, COUNTY OF—</b>	
Commissioners of Crow Wing county authorized to levy a tax for support of poor.....	968
<b>CHASKA, CITY OF—</b>	
Act of incorporation.....	59
chapter 1, city and ward boundaries.....	59
chapter 2, election and officers.....	60
chapter 3, officers, powers and duties.....	63
chapter 4, city council, powers and duties.....	66
chapter 5, finances and taxation.....	75
chapter 6, streets, sidewalks, bridges and public grounds.....	79
chapter 7, local improvements and special assessments.....	83
chapter 8, fire department.....	84
chapter 9, police department....	86
chapter 10, city justices and courts.....	87
chapter 11, miscellaneous provisions.....	89
<b>CHATFIELD, CITY OF—</b>	
Authorized to issue bonds for water works .....	813
<b>CHIPPEWA, COUNTY OF—</b>	
To vote on making paupers a charge upon towns, etc.....	963
<b>CHISAGO, COUNTY OF—</b>	
Authorized to reimburse N. P. Johnson for money expended .....	965
Regulating fishing in lakes and streams.....	1090
Town of Fish Lake, proceedings to restrain cattle, etc., legalized.....	964
Town of Nessel, cattle restrained from running at large.....	966
Town of Shafer, proceedings to restrain cattle, etc., legalized.....	965
<b>CLAY, COUNTY OF—</b>	
Change of boundaries in school district number 2.....	915
Salaries of county officers, repealing certain special laws.....	967
Town of Moorhead, authorized to invest its sinking fund.....	910
Town of Morken, relieved from act restraining cattle.....	967
<b>CLOQUET, VILLAGE OF—</b>	
Changing time of holding village election.....	863
Proceedings of village council to be published.....	901
<b>COKATO, VILLAGE OF—</b>	
Declared a separate election district.....	872
<b>COLOGNE, VILLAGE OF—</b>	
Amending chapter 8, special laws of 1881, relating to annual election of village officers.....	718

## COTTONWOOD, COUNTY OF—

PAGE.

Action of county commissioners relating to expending money on roads and bridges legalized..... 968

## CROOKSTON, CITY OF—

Authorized to issue bonds in aid of railroads..... 809

## CROW WING, COUNTY OF—

Apportionment of one mill school tax ..... 916

Commissioners authorized to levy a tax in Cass county for support of poor..... 968

## DAKOTA, COUNTY OF—

Authorized to increase issue of bonds for bridge across Minnesota river ..... 972

Authorized to refund certain purchasers, at a void tax sale..... 972

County commissioners authorized to lay out a road from Hastings to Goodhue county line, through Ravenna township..... 969

Detaching territory from school district No. 83 for a separate district.. 916

Regulating fishing in Prairie lake..... 1092

Superintendent of schools, repealing chapter 237, special laws of 1885, authorizing the state high school board to appoint..... 969

Superintendent of schools hereafter to be elected by the voters..... 970

Town of Invergrove, authorized to vote bonds for a bridge across the Mississippi river..... 1076

Treasurer of, repealing and amending laws relating to salary and duties..... 970

## DASSEL, VILLAGE OF—

Transfer license money to school fund ..... 700

## DAWSON, VILLAGE OF—

Additional territory incorporated..... 716

## DELANO, VILLAGE OF—

Declared a separate election district..... 872

## DETROIT, VILLAGE OF—

Authorized to issue bonds for sewers..... 842

for a system of water works..... 845

Authorized to refund certain liquor license..... 891

Authorized to expend money on village band..... 895

## DOUGLAS, COUNTY OF—

Alexandria school district, change of boundaries..... 917

Amending chapter 316, special laws of 1883, making paupers a town charge..... 973

## DULUTH, CITY OF—

Amending chapter 2, special laws of 1887, charter amendments, being amendments to chapters 19, 96 and 304, special laws of 1889.... 620

relating to purchase of water or light plants..... 748

Amending chapter 2, special laws of 1887, relating to taking of private property..... 702

relating to assessments..... 702

Amending chapter 55, special laws of 1891, relating to additional territory to be added..... 701

relating to division of assessments..... 701

Board of education authorized to issue bonds for sites and buildings... 934

Confirming and continuing the present municipal court..... 595

Providing for annexation of Lakeside..... 642

Providing for annexation of West Duluth..... 644

Public grounds, amending chapter 401, special laws of 1889..... 608

Reorganization of board of education..... 931

Sale of liquors in acquired territory ..... 640

Water and light bonds authorized..... 638

**EAST GRAND FORKS, CITY OF—**

Amending chapter 45, special laws of 1887, relating to appointments by mayor.....	704
relating to duties of mayor as to approving ordinances, etc.....	704
relating to vacancies in council.....	704
requiring city justices to report monthly.....	704
adding to the territory.....	705
relating to appointment of officers.....	704
relating to duties of treasurer.....	705
relating to election of councilmen.....	705
Amending chapter 25, special laws of 1889, transfer of license money to school district fund.....	705

**ELBOW LAKE, VILLAGE OF—**

Authorized to issue bonds for public improvements.....	837
Authorized to refund certain license money.....	859

**ELECTION DISTRICTS SEPARATED FROM TOWNSHIPS—**

Ada, village of, Norman county.....	698
Annandale, village of, Wright county.....	872
Arlington, village of, Sibley county.....	897
Bellingham, village of, Lac qui Parle county.....	873
Browerville, village of, Todd county.....	867
Brown county, all villages in, separated from their towns for election purposes.....	864
Buffalo, village of, Wright county.....	872
Caledonia, village of, Houston county.....	869
Cokato, village of, Wright county.....	872
Delano, village of, Wright county.....	872
Elizabeth, village of, Otter Tail county.....	871
Ellsworth, village of, Nobles county.....	865
Gaylord, village of, Sibley county.....	897
Gibbon, village of, Sibley county.....	897
Green Isle, village of, Sibley county.....	897
Henderson, city of, Sibley county.....	897
Houston, village of, Houston county.....	862
Howard Lake, village of, Wright county.....	872
Lamberton, village of, Redwood county.....	868
Maple Lake, village of, Wright county.....	872
Monticello, village of, Wright county.....	872
Montrose, village of, Wright county.....	872
Morgan, village of, Redwood county.....	870
Morton, village of, Renville county.....	861
Mountain Lake, village of, Cottonwood county.....	866
Murdock, village of, Swift county.....	694
Ortonville, changed from a separate district, and to vote with the town.....	789
Rothsay, village of, Wilkin county.....	867
Spring Grove, village of, Houston county.....	869
St. James, village of, Watonwan county.....	868
Walnut Grove, village of, Redwood county.....	873
Waverly, village of, Wright county.....	872
Windom, village of, Cottonwood county.....	861
Winthrop, village of, Sibley county.....	897

**ELIZABETH, VILLAGE OF—**

Created a separate election district, and providing for settlement of town liabilities.....	871
---	-----

**ELLSWORTH, VILLAGE OF—**

Constituted a separate election district.....	865
---	-----

**ELY, CITY OF—**

Act to incorporate.....	502
chapter 1, city and ward boundaries.....	502
chapter 2, officers and elections.....	503

	PAGE.
<b>ELY, CITY OF—Continued.</b>	
An act to incorporate, chapter 3, duties of officers.....	505
chapter 4, police officers.....	510
chapter 5, city council, powers and duties.....	511
chapter 6, fire department.....	520
chapter 7, taxation and bonds.....	521
chapter 8, condemnation of private property.....	523
chapter 9, streets, sidewalks, bridges and special assessments.....	526
chapter 10, miscellaneous provisions.....	529
Municipal court established in.....	680
<b>EXCELSIOR, VILLAGE OF—</b>	
Authorized to issue bonds for water supply.....	830
Changing time of holding annual meeting.....	870
<b>FAIRMONT, VILLAGE OF—</b>	
Authorized to issue bonds for water supply.....	829
<b>FARIBAULT, CITY OF—</b>	
Authorized to issue bonds for railroad purposes.....	837
Boundaries of school district enlarged.....	931
<b>FARIBAULT, COUNTY OF—</b>	
Corrected plat of village of Minnesota Lake to be filed with register of deeds.....	977
<b>FILLMORE, COUNTY OF—</b>	
Salaries of county officers to be voted upon.....	978
<b>FISHING IN LAKES AND STREAMS—</b>	
Anoka county, to prohibit market fishing except in Mississippi river.....	1087
Becker county, protecting in the waters and lakes.....	1087
Blue Earth county, regulating in Crystal, Loon, Mills and Lily lakes..	1088
regulating in Washington, Jefferson and Madison lakes.....	1089
repealing chapter 340, special laws of 1887, regulating fishing in Lake Madison.....	1090
Chisago county, regulating in all lakes and streams.....	1090
Dakota county, regulating fishing in Prairie lake.....	1092
Hennepin county, regulating fishing in all the waters.....	1093
Houston county, regulating trout fishing in Thompson's Creek.....	1093
Le Sueur county, regulating fishing in Lake Emily.....	1091
regulating fishing in lakes Washington, Jefferson and Madison.....	1089
McLeod county, regulating fishing in Lake Hook.....	1094
Meeker county, regulating fishing in Lake Jennie .....	1095
regulating fishing in lakes Mannuella, Stella and Washington .....	1096
regulating fishing in Lake Collinwood.....	1096
Pope county, regulating fishing in lakes and streams.....	1096
Ramsey county, to prohibit market fishing, except in Mississippi river.	1097
Rice county, amending chapter 454, special laws of 1889, regulating fishing .....	1098
St. Louis county, prohibiting the catching of fish with seines or nets in St. Louis river or bay.....	1099
Scott county, regulating the catching of fish in all streams except the Minnesota river.....	1100
Stearns county, regulating fishing in Clearwater lake.....	1101
regulating fishing in Canosis, Caribou and Grand lakes.....	1099
Swift county, regulating manner of fishing in Monson lake.....	1101
Washington county, prohibiting market fishing, except in the Mississippi and St. Croix rivers.....	1097
Wright county, regulating fishing in lakes John, Sylva, Pleasant and Clearwater.....	1101
regulating the catching of fish in Lake Collinwood.....	1096
<b>FOND DU LAC, TOWN OF—</b>	
Duties of town council transferred to judge of eleventh district.....	903

	PAGE.
<b>FRANCONIA, VILLAGE OF—</b>	
Made a separate election district.....	734
Transfer of license money to school district.....	707
<b>FREEBORN, COUNTY OF—</b>	
Providing for apportionment of indebtedness between the town and city of Albert Lea.....	825
Relief of the poor, regulating applications therefor.....	960
Town of Albert Lea authorized to vote for issue for refunding bonds to pay said indebtedness.....	825
<b>FULDA, VILLAGE OF—</b>	
Authorized to issue bonds for water works.....	856
<b>GAYLORD, VILLAGE OF—</b>	
Authorizing bonds for completion of village hall.....	710
Created a separate election district.....	897
Legalizing the vote of the village on foregoing proposition.....	845
<b>GIBBON, VILLAGE OF—</b>	
Created a separate election district.....	897
<b>GLENCOE, VILLAGE OF—</b>	
Amending chapter 6, special laws of 1872, defining territory incorporated.....	716
<b>GLENWOOD, VILLAGE OF—</b>	
Legalizing the use of liquor license fund to aid in building a flour mill.....	891
<b>GOODHUE, COUNTY OF—</b>	
Authorizing a vote in town of Pine Island for a re-survey.....	982
Authorizing treasurer to pay certain moneys to town of Pine Island...	983
Relating to roads, cartways and bridges.....	981
<b>GRACEVILLE, VILLAGE OF—</b>	
Authorized to issue bonds for fire protection.....	723
<b>GRANT, COUNTY OF—</b>	
Amending chapter 273, special laws of 1889, relating to caring for the poor.....	981
<b>GREEN ISLE, VILLAGE OF—</b>	
Created a separate election district.....	897
<b>HASTINGS, CITY OF—</b>	
Amending chapter 3, special laws <sup>1</sup> of 1871, and chapter 43, special laws of 1885, relating to election of chief of police, assessor, street commissioner.....	776
Authorized to issue bonds for a bridge across the Mississippi river.....	827
<b>HENDERSON, CITY OF—</b>	
Act of incorporation.....	91
chapter 1, city and ward boundaries.....	91
chapter 2, election and officers.....	91
chapter 3, officers, powers and duties .....	93
chapter 4, city council, general powers and duties.....	100
chapter 5, taxes and finances.....	108
chapter 6, fire department.....	109
chapter 7, streets, sidewalks, bridges and public grounds.....	110
chapter 8, local improvements and assessments.....	111
chapter 9, condemnation of private property.....	115
chapter 10, miscellaneous provisions.....	118
Authorized to issue bonds in aid of a railroad.....	841
Created a separate election district.....	897

## HENNEPIN, COUNTY OF—

Attorney, county, salary .....	1003
assistant county, salary.....	1003
Auditor, salary of.....	1006
Bridge at Bloomington Ferry, relating to.....	994
Carroll settlement road created a county road.....	993
Cedar avenue road declared a county road.....	1004
Clerk of district court, salary of.....	987
Clerk of probate court, fixing salary.....	984
Commissioner districts, boundaries defined.....	985
County road, through Long lake to Wayzata.....	991
County road, from Osseo to Hanover.....	1003
Court house and city hall commissioners limited in their building expenses .....	765
Election of commissioners, amending chapter 396, special laws of 1889.....	987
Fishing in all waters regulated.....	1093
Highways, running into more than one town through unplatted portions of villages.....	1001
Hill school district established.....	917
Minnetonka lake, navigation of, authority to improve.....	996
Moore, D. D., to be reimbursed certain moneys.....	995
Penney, Frederick C., for the relief of.....	1005
Phonographic reporters of district courts, amending chapter 428, special laws of 1889.....	984
Register of deeds, salary of.....	987
to duplicate certain records.....	992
Sheriff's fees and compensation.....	987
Sheriff's fees for warrants served for delinquent personal taxes to be paid.....	991
Surveyor, defining his duties, as to transfer of maps, etc.....	995
Treasurer to settle monthly for Minneapolis city taxes collected.....	756
Treasurer, salary of.....	1002

## HERMAN, VILLAGE OF—

Authorized to refund certain license money.....	893
---	-----

## HOUSTON, COUNTY OF—

Amending chapter 311, special laws of 1879, relating to salaries and fees of county officers.....	1007
Amending chapter 69, special laws of 1885, relating to bridge across Lake Como.....	1008
Preventing the running at large of cattle, etc., in the township of Money Creek.....	1007
Regulating trout fishing in Thompson's creek.....	1093
Repealing chapter 345, special laws of 1887, relating to duties and compensation for clerk hire in treasurer's office.....	1006

## HOUSTON, VILLAGE OF—

Made a separate election district.....	862
To pay certain liquor license money to school district.....	885

## HOWARD LAKE, VILLAGE OF—

Declared a separate election district.....	872
--	-----

## IMMIGRATION—

Kanabec county, authorized to expend money for.....	1011
Marshall county, authorized to expend money for.....	1018
Polk county, authorized to expend money for.....	1035

## ISANTI, COUNTY OF—

Apportionment of money between certain school districts.....	918
--	-----

## ITASCA, COUNTY OF—

Repeal of chapter 384, special laws of 1889, giving justices of peace in Aitkin county jurisdiction over.....	1008
---	------



	PAGE
<b>JACKSON, COUNTY OF—</b>	
Creating a new school district and changing boundaries.....	919
Legalizing acknowledgments taken by J. W. Chestnut as clerk of town of Sioux Valley .....	1009
Salary of county attorney to be submitted to a vote.....	1009
<b>JACKSON, VILLAGE OF—</b>	
Authorized to issue bonds for water works.....	805
<b>JANESVILLE, VILLAGE OF—</b>	
Authorizing one-half of liquor license to be paid to school district.....	875
<b>JORDAN, CITY OF—</b>	
Act of incorporation .....	120
chapter 1, city and ward boundaries.....	120
chapter 2, elections and officers.....	121
chapter 3, officers, powers and duties.....	124
chapter 4, city council, powers and duties.....	127
chapter 5, finances and taxation.....	136
chapter 6, streets, sidewalks, bridges and public grounds.....	139
chapter 7, local improvements and special assessments.....	143
chapter 8, fire department.....	144
chapter 9, police department.....	146
chapter 10, city justices and courts.....	147
chapter 11, miscellaneous provisions.....	148
<b>KANABEC, COUNTY OF—</b>	
Commissioners authorized to levy special school taxes.....	1010
May appropriate money for encouraging immigration.....	1011
<b>KANDIYOHI, COUNTY OF—</b>	
Clerk of court to index all cases of record, and compensation there- for .....	1012
Privileges of high school board examinations extended to common schools.....	920
<b>KASOTA, VILLAGE OF—</b>	
Time of holding village elections changed.....	863
<b>KASSON, VILLAGE OF—</b>	
Amending chapter 66, special laws of 1881, relating to street commis- sioner.....	729
<b>KITTSOON, COUNTY OF—</b>	
Amending chapter 182, special laws of 1889, requiring a majority of voters to order a special election for voting bonds for court house.....	1012
<b>LAC QUI PARLE, COUNTY OF—</b>	
Commissioners authorized to make appropriations for bridge purposes.	1013
New school districts created.....	920
To vote on making paupers a town charge.....	1013
<b>LAKE CITY, CITY OF—</b>	
Amending chapter 163, special laws of 1875, relating to ferry privileges and granting bonus.....	894
Amending chapter 104, special laws of 1877, reducing the quorum in school board.....	941
Amending chapter 234, special laws of 1883, relating to school dis- trict boundaries .....	877
<b>LAKE, COUNTY OF—</b>	
Authorized to vote on issue of bonds for county roads.....	1014
<b>LAKE CRYSTAL, VILLAGE OF—</b>	
Authorized to issue bonds for water works.....	814

## LAKES AND RIVERS—

PAGE

Anoka county, prohibiting market fishing, except in Mississippi river.....	1097
Becker county, regulating fishing in.....	1087
Blue Earth county, regulating fishing in Crystal, Loon, Mills and Lily lakes.....	1088
regulating fishing in lakes Washington, Jefferson and Madison.....	1089
repealing chapter 340, special laws of 1887, relating to fishing in Lake Madison.....	1090
Buffalo lake, in Wright county, village council of Buffalo authorized to raise the waters.....	909
Chisago county, regulating fishing in.....	1091
Dakota county, regulating fishing in Prairie lake.....	1092
Hennepin county, regulating manner of fishing in all waters.....	1093
Houston county, regulating trout fishing in Thompson's creek.....	1093
Le Sueur county, regulating fishing in Lake Emily.....	1090
McLeod county, regulating fishing in Lake Hook.....	1094
Meeker county, regulating fishing in Lake Jennie and tributaries.....	1095
amending chapter 460, special laws of 1889, regulating fishing in lakes Mannuella, Stella, Washington and Collinwood.....	1096
Minnetonka, commissioners of Hennepin county authorized to improve navigation.....	996
Mud lake, in Meeker county, discharge of firearms prohibited near....	1019
Pope county, regulating the manner of fishing in lakes and streams...	1096
Ramsey county, prohibiting market fishing, except in the Mississippi river.....	1097
Rice county, amending chapter 454, special laws of 1889, regulating fishing.....	1098
Rice lake, in Wright county, town of Buffalo authorized to drain.....	1085
Schultz lake, in Meeker county, authorized to be drained.....	1020
Scott county, regulating fishing, except in Minnesota river.....	1100
Silver lake, in Ramsey county, restraining the cutting of ice.....	1040
Sleepy Eye lake, in Brown county, village of Sleepy Eye Lake authorized to dam and raise the water.....	909
St. Louis county, prohibiting fishing with seines or nets in St. Louis river or bay.....	1099
regulating fishing in Canoesia, Caribou and Grand lakes.....	1099
Ash river, authority to Morris Thomas to improve for rafting purposes.....	1103
Stearns county, regulating fishing in Clearwater lake.....	1101
Swift county, regulating fishing in Monson lake.....	1101
Washington county, prohibiting market fishing, except in St. Croix river and lake and the Mississippi river.....	1097
Wright county, regulating fishing in lakes John, Sylvia, Pleasant and Clearwater.....	1101
regulating the catching of fish in Lake Collinwood.....	1096

## LAKESIDE, CITY OF—

Incorporating act.....	645
chapter 1, boundaries.....	645
chapter 2, officers and elections.....	646
chapter 3, duties of officers.....	648
chapter 4, city council, powers and duties.....	651
chapter 5, police department.....	660
chapter 6, fire department.....	661
chapter 7, taxation and bonds.....	661
chapter 8, condemnation of private property.....	662
chapter 9, local improvements and special assessments.....	665
chapter 10, vacation of streets, avenues and lanes.....	670
chapter 11, miscellaneous provisions.....	671
chapter 12, proposed annexation to city of Duluth.....	673

## LAKESIDE, VILLAGE OF—

Legalizing assessments for local improvements in 1890.....	898
May be annexed to Duluth.....	642

	PAGE
<b>LAMBERTON, VILLAGE OF—</b>	
Declared a separate election district.....	868
<b>LE SUEUR, CITY OF—</b>	
Act of incorporation.....	313
chapter 1, city and ward boundaries.....	313
chapter 2, election of officers.....	314
chapter 3, powers and duties of officers.....	317
chapter 4, common council, powers and duties.....	327
chapter 5, taxes and finances.....	335
chapter 6, streets, bridges, public grounds and sidewalks.....	338
chapter 7, water works, sewers, lighting of streets.....	349
chapter 8, fire department.....	352
chapter 10, miscellaneous provisions.....	354
Authorized to issue bonds for railroad purposes.....	819
<b>LE SUEUR, COUNTY OF—</b>	
Change of school district boundaries.....	922
Change of boundaries of school district No. 62.....	936
Change of boundaries of school district No. 45.....	937
Regulating fishing in Lake Emily.....	1091
Regulating fishing in lakes Washington, Jefferson and Madison.....	1089
Repealing chapter 340, special laws of 1887, relating to fishing in Lake Madison.....	1090
<b>LITTLE FALLS, CITY OF—</b>	
Amending chapter 66, special laws of 1889, defining city and ward boundaries.....	783
Amending chapter 8, special laws of 1889, relating to the elective officers thereof.....	784
Authorized to issue bonds for fire department.....	802
Authorized to issue bonds for sewers and fire department.....	835
<b>LONG PRAIRIE, VILLAGE OF—</b>	
Authorized to issue bonds to fund floating indebtedness.....	807
<b>LUVERNE, VILLAGE OF—</b>	
Authorized to issue bonds for water works.....	859
<b>LYLE, VILLAGE OF—</b>	
Amending chapter 25, special laws of 1875, relating to commencement of terms of office.....	724
changing the maximum of tax for special assessments.....	725
<b>LYON, COUNTY OF—</b>	
Authorized to vote on bonds for county buildings.....	1016
<b>MADELIA, VILLAGE OF—</b>	
Authority to issue bonds for water works.....	848
<b>MANKATO, CITY OF—</b>	
Amending chapter 8, special laws of 1887, charter.....	387
chapter 1, city and ward boundaries.....	388
chapter 2, elective officers and elections.....	390
chapter 3, duties of officers.....	393
chapter 4, common council, powers and duties.....	401
chapter 5, levying of taxes.....	408
may issue bonds for railroad purposes.....	409
chapter 6, title 1, board of public works.....	410
chapter 6, title 2, streets, sidewalks, etc.....	417
chapter 7, fire department.....	444
chapter 8, lighting streets.....	446
chapter 9, water works and sewer contracts.....	447
chapter 10, miscellaneous provisions.....	451
authorized to issue bonds for sewerage and water works.....	449
chapter 11, street sprinkling.....	454
chapter 12, sinking fund.....	456

	PAGE.
<b>MANKATO, CITY OF—Continued.</b>	
Amending chapter 156, special laws of 1878, dividing the school district into four precincts.....	889
Amending chapter 110, special laws of 1889, relating to the same subject.....	890
Amending chapter 110, special laws of 1889, authorizing board of education to issue refunding bonds.....	912
Authorizing the acquisition of a site for a public building for uses of United States.....	906
<b>MAPLE LAKE, VILLAGE OF—</b>	
Declared a separate election district.....	872
<b>MARSHALL, COUNTY OF—</b>	
Commissioners may appropriate money for immigration purposes.....	1018
Destitute poor to be a town charge.....	1018
<b>MARTIN, COUNTY OF—</b>	
Repealing chapter 278, relating to animals running at large in town of Bowling Green.....	1019
<b>MCLEOD, COUNTY OF—</b>	
Change of school district boundaries.....	922, 923
Regulating fishing in lake Hook.....	1094
<b>MEEKER, COUNTY OF—</b>	
Amending chapter 460, special laws of 1889, regulating fishing in lakes Mannuella, Stella, Washington and Collinwood.....	1096
Board of education, school district No. 9, authorized to compromise a debt due said district.....	924
Discharge of firearms prohibited at Mud lake, in towns of Cosmos and Cedar Mills.....	1019
Regulating fishing in lake Jennie.....	1095
Schultz lake, certain persons authorized to drain.....	1020
Stevens and Company, settlement with bondsmen of, legalized.....	1020
<b>MINNEAPOLIS, CITY OF—</b>	
Amending chapter 76, special laws of 1881, relating to powers of council for preservation of health.....	769
Amending chapter 10, special laws of 1887, relating to boundaries of seventh and twelfth wards.....	763
Amending chapter 15, special laws of 1887, relating to release of conditions of deeds to Minneapolis Exposition grounds.....	764
Amending chapter 34, special laws of 1889, relating to deputy clerks of municipal court.....	771
Amending chapter 51, special laws of 1889, relating to organization of police department.....	767
Anderson, Ludwig L., claim to, authorized to be paid.....	757
Bonds for a city hospital authorized.....	766
for park improvements recognized.....	771
for permanent improvements authorized.....	772
Boundaries of seventh and twelfth wards defined.....	763
Bread, inspectors of, authorized appointment of.....	769
Cemetery vacation, part of east side Catholic, authorized.....	752
part of Maple Hill, authorized.....	762
City hall and court house commissioners limited in their expenditures for building.....	765
Corrections and charities department authorized.....	753
County treasurer to settle monthly for city taxes collected.....	756
Gorman, James, claim of, for certain street grading, authorized payment.....	760
Johnstown sufferers, claim of Elwood S. Corser and others for money advanced, authorized payment.....	761
Justices of the peace, offices confirmed, and regulating powers and duties.....	757

	PAGE
<b>MINNEAPOLIS, CITY OF—Continued.</b>	
License moneys authorized to be refunded.....	767
Mayor, contingent fund authorized for.....	770
Moore, Thomas, claim of, for rebate license authorized to be refunded.....	769
Municipal court, salaries of deputy clerks.....	771
shorthand or stenographic reporter authorized.....	773
Park commissioners limited in the issue of bonds.....	771
authorized to purchase Maple Hill Cemetery for park purposes.....	763
Police department, reorganization of.....	768
relief association, fund created for.....	774
<b>MINNESOTA LAKE, VILLAGE OF—</b>	
Plat of 1890, to be filed with register of deeds of Faribault county.....	977
To use liquor license fund to pay outstanding school bonds.....	887
<b>MONTICELLO, VILLAGE OF—</b>	
Authorized to issue bonds for bridge across Mississippi river.....	822
another act for the same purpose.....	855
Declared a separate election district.....	873
Succeeding to property rights, etc., of village of Moritzious.....	733
<b>MONTROSE, VILLAGE OF—</b>	
Declared a separate election district.....	872
<b>MOORHEAD, CITY OF—</b>	
Amending chapter 28, special laws of 1881, relating to constructing sidewalks.....	749
<b>MORGAN, VILLAGE OF—</b>	
Made a separate election district.....	870
<b>MORITZIOUS, VILLAGE OF—</b>	
Annexed to village of Monticello.....	733
<b>MORRIS, VILLAGE OF—</b>	
Amending chapter 30, special laws of 1881, relating to fire department.....	713
powers of council to restrain peddlers, etc.....	714
Authorized to issue bonds to refund and pay floating indebtedness.....	721
Authorized to issue bonds for water works.....	810
Authorized to grant franchise for water works or electric light system.....	817
<b>MORRISON, COUNTY OF—</b>	
Commissioners authorized to issue bonds for furnishing court house....	1021
Town of Agram, authorized to vote bonds for railroad purposes.....	1024
Town of Pierz, authorized to vote bonds for railroad purposes.....	1022
<b>MORTON, VILLAGE OF—</b>	
Constituted a separate election district.....	861
<b>MOUNTAIN LAKE, VILLAGE OF—</b>	
Constituted a separate election district.....	866
<b>MOWER, COUNTY OF—</b>	
Taxes to be levied on certain villages and towns to redeem railroad bonds.....	1028
<b>MUNICIPAL COURTS—</b>	
Duluth, confirming and establishing.....	595
Duties of clerk in St. Paul.....	277
Ely, established in.....	680
Minneapolis, relating to deputy clerks.....	771
relating to shorthand reporters.....	773
Redwood Falls, established in.....	45
Salary of judge in Stillwater.....	549
Sauk Centre, amendments to act creating.....	785
repealing section 10 of foregoing, and re-enacting section 31 of chapter 15, special laws of 1889, with modifications.....	788

	Page.
<b>MUNICIPAL COURTS—Continued.</b>	
Tower, relating to equitable issues.....	735
relating to powers of court.....	737
Waseca, relating to organization.....	583
Winona, judge of, when elected.....	711
<b>MURDOCK, VILLAGE OF—</b>	
Amending chapter 29, special laws of 1881, creating separate election district.....	694
<b>MURRAY, COUNTY OF—</b>	
Amending chapter 522, special laws of 1889, relating to school district of Slayton .....	924
Authorized to reimburse certain persons for money expended.....	1027
Authorized to vote on the issue of bonds for a new court house.....	1025
Township of Murray, authorized to vote bonds for a court house.....	1027
<b>NEW LONDON, VILLAGE OF—</b>	
Authorized to grade streets and alleys.....	904
To issue bonds for water supply.....	699
<b>NEWPORT, VILLAGE OF—</b>	
Authorized to pay expenses of organization.....	895
Independent school districts of Newport and St. Paul Park legalized..	944
<b>NEW PRAGUE, CITY OF—</b>	
Act of incorporation .....	356
chapter 1, city and ward boundaries.....	356
chapter 2, elections and officers .....	357
chapter 3, powers and duties of officers.....	360
chapter 4, city council, powers and duties.....	363
chapter 5, finances and taxation.....	372
chapter 6, streets, sidewalks, bridges and public grounds.....	375
chapter 7, local improvements and special assessments .....	379
chapter 8, fire department.....	380
chapter 9, police department.....	383
chapter 10, city justices and court.....	384
chapter 11, miscellaneous provisions.....	385
Legalizing action of village council in borrowing money.....	723
<b>NEW RICHLAND, VILLAGE OF—</b>	
Authorized to issue bonds for water supply.....	847
<b>NEW ULM, CITY OF—</b>	
Amending chapter 4, special laws of 1887, being amendments to the city charter .....	790
Authorized to issue bonds for aid to railroad.....	839
<b>NICOLLET, COUNTY OF—</b>	
Liquor license money in town of West Newton to be for sole use of town.....	1029
<b>NORMAN, COUNTY OF—</b>	
Detaching territory from school district of Ada.....	925
Homelake town, to vote on cattle, etc., to run at large.....	1021
To issue refunding bonds.....	1030
<b>NORTH BRANCH, VILLAGE OF—</b>	
Transfer of part of liquor license money to school district.....	914
<b>NORTHERN PACIFIC JUNCTION, VILLAGE OF (NOW CABLETON) —</b>	
Authorized to issue bonds for debt created in erecting court house....	796
Name changed to village of Carlton.....	900

	Page.
<b>NORTHFIELD, CITY OF —</b>	
Amending chapter 391, special laws of 1889, relating to sidewalks.....	691
Authorized to issue bonds for public improvements.....	836
Dividing school district into wards, and creating separate elective districts.....	875
Extending the corporate limits.....	746
<b>NORTH ST. PAUL, VILLAGE OF —</b>	
Restraining the cutting of ice in Silver lake.....	1040
<b>NORWOOD, VILLAGE OF —</b>	
Authorized to issue bonds to fund floating indebtedness.....	856
Authorized to lease part of the village park for a race course.....	908
Legalizing the issuing of orders to James Slocum, Jr.....	856
<b>ODD FELLOWS, ST. PAUL LODGE, NO. 2 —</b>	
Supplemental to act of incorporation.....	1103
<b>OLMSTED, COUNTY OF —</b>	
Commissioners authorized to appropriate money for bridges.....	1031
Legalizing acts of certain officers of Academy of Our Lady of Lourdes.....	1102
<b>ORTONVILLE, CITY OF —</b>	
Authorized to issue bonds for railroads.....	781
Repeal of chapter 302, special laws of 1887, separating from the township for corporate purposes, and re-enacting section 8, chapter 33, special laws of 1881.....	789
<b>OTTER TAIL, COUNTY OF —</b>	
Regulating salaries and fees of certain officers.....	1032
Repealing part of section 5, chapter 358, special laws of 1887, relating to publishing monthly statements of clerk of court and register of deeds.....	1031, 1032
<b>PAYNESVILLE, VILLAGE OF —</b>	
Authorized to issue bonds for railroad purposes.....	818
Municipal limits extended.....	725
<b>PERHAM, VILLAGE OF —</b>	
Providing for the election of an assessor.....	907
<b>PINE CITY, VILLAGE OF —</b>	
Amending chapter 38, special laws of 1881, relating to number of councilors.....	703
relating to duties of recorder.....	703
relating to passage of ordinances.....	703
<b>POLK, COUNTY OF —</b>	
Authorized to issue bonds for a bridge over Red Lake river.....	820
Authorized to use money for immigration purposes.....	1035
Regulating salaries and fees of county officers.....	1033
<b>POPE, COUNTY OF —</b>	
Boundaries of school districts numbers 19 and 7 changed.....	926
Regulating the catching of fish, and to prohibit shipping.....	1096
<b>PRINCETON, VILLAGE OF —</b>	
Amending chapter 31, special laws of 1889, relating to powers of council to fill vacancies....	709
<b>PROBATE NOTICES —</b>	
In Blue Earth county, to be published in English newspapers.....	959
In Stearns county, to be published in the English language.....	1063

	PAGE
<b>RAMSEY, COUNTY OF—</b>	
Abstract clerk, compensation of.....	1046, 1048
actions for damages against said bond.....	1048
amount of bond to be given.....	1048
books and records in office sole and exclusive property of county.....	1047
books of, to be examined by county attorney.....	1048
must keep all records posted within 24 hours.....	1047
to be responsible to clerks of courts for all fees as to certificates of judgment.....	1047
to make itemized statement of fees monthly.....	1047
Assessor, county, salary of.....	1046
Attorney, county, to examine books of abstract clerk.....	1048
Boundaries of school districts numbers 56 and 25 changed.....	926
Clerk of district court to receive no fees for filing vital statistics.....	1049
fees for searching judgment docket books.....	1049
Clerks of courts to have no claims against county for certificates as to judgments.....	1047
Commissioner districts, boundaries.....	1044
Commissioners to repair Barlow road running through New Brighton..	1042
Cyclone sufferers, appropriations for, legalized.....	1040
Fees of sheriff.....	1036
Fishing for market prohibited, except in Mississippi river.....	1097
Judge of probate, regulating clerk hire.....	1037
Jurors called and excused from service not entitled to fees.....	1041
Manitou Island Land and Improvement Company, to repair bridge and avenue at own expense.....	1042
New Brighton created a separate assessment district.....	1043
Official bonds of officers, amount of.....	1044
Officers to certify to auditor names of clerks and compensation.....	1038
Purchasing committee, designated.....	1048
Register of deeds to pay part of fees into county treasury.....	1045
Roads and highways, authority to widen.....	1043
Saint Paul Lodge, No. 2, of Odd Fellows, amendment to act of incorporation.....	1103
School district funds of certain school districts transferred to St. Paul city schools.....	1039
Sheriff, regulating fees of.....	1036
claims for bailiffs legalized.....	1041
to pay part of fees into county treasury.....	1045
bailiffs' fees must be certified.....	1049
Silver lake, limiting the taking of ice from.....	1040
Town and road funds of McLean and Reserve towns transferred to St. Paul revenue fund.....	1039
Warrants on treasury, how drawn.....	1038
<b>READS, VILLAGE OF—</b>	
Amending chapter 34, special laws of 1868, relating to charter.....	551
<b>RED LAKE FALLS, VILLAGE OF—</b>	
Amending chapter 40, special laws of 1881, relating to licensing porters, draymen, etc.....	728
<b>RED WING, CITY OF—</b>	
Amending chapter 14, special laws of 1864, relating to the public schools.....	880
school district authorized to issue bonds for refunding purposes.....	883
<b>REDWOOD, COUNTY OF—</b>	
Boundaries changed of school districts Nos. 1 and 69.....	927
<b>REDWOOD FALLS, CITY OF—</b>	
Charter.....	1
chapter 1, city and ward boundaries.....	1
chapter 2, elective officers and elections.....	2
chapter 3, officers, powers and duties.....	5
chapter 4, common council, powers and duties.....	13



REDWOOD FALLS, CITY OF—*Continued.*

Page.

Charter, chapter 5, taxes, levying of.....	19
chapter 6, streets, sidewalks and public grounds.....	21
chapter 7, fire department.....	26
chapter 8, lighting of streets.....	28
chapter 9, water works and sewers.....	29
chapter 10, miscellaneous provisions.....	32
chapter 11, sinking fund.....	34
chapter 12, local improvements, condemnation proceedings.....	35
chapter 13, laying out new streets.....	36
chapter 14, appeals, proceedings in.....	41
chapter 15, municipal court established.....	45
chapter 16, legal successor to village corporation.....	58

## RENVILLE, COUNTY OF—

Certain opened highways legalized.....	1051
Changing boundaries of school district No. 82.....	930
County auditor to levy a tax on school district No. 11.....	927
May appropriate money for bridges and roads.....	1050
New school district created out of part of No. 81.....	928
New school district created from Nos. 22, 26 and 59.....	929
Salaries of officers of.....	1051

## RENVILLE, VILLAGE OF—

Authorized to issue bonds for fire protection.....	719
Authorized to pay back certain license money.....	885

## REPEAL OF FORMER LAWS—

Chapter 5, special laws of 1881, creating the village of Benton.....	900
Chapter 400, special laws of 1881, relating to treasurer of Dakota county.....	970
Chapter 278, special laws of 1883, relating to animals running at large in Martin county.....	1019
Chapter 325, special laws of 1883, salaries of officers of Clay county.....	967
Chapter 13, section 9, special laws of 1885, relating to assessment in borough of Belle Plaine.....	910
Chapter 109, special laws of 1885, salaries of officers of Clay county....	967
Chapter 237, special laws of 1885, relating to superintendent of schools of Dakota county.....	969
Chapter 253, special laws of 1885, salaries of officers of Clay county....	967
Chapter 88, special laws of 1887, relating to the board of education of St. Paul.....	274
Chapter 170, special laws of 1887, relating to issue of bonds for jail in Ramsey county.....	248
Chapter 302, special laws of 1887, repealing section 8 of chapter 33, special laws of 1881, and re-enacting said section 8, relating to elections in Ortonville.....	789
Chapter 340, special laws of 1887, relating to fishing in Lake Madison.....	1090
Chapter 345, special laws of 1887, relating to treasurer of Houston county.....	1006
Chapter 60, special laws of 1889, relating to fire wardens in St. Paul....	253
Chapter 102, special laws of 1889, relating to the board of education of St. Paul.....	274
Chapter 356, special laws of 1889, relating to a board of levee commissioners for St. Paul.....	248
Chapters 361 and 395, special laws of 1889, relating to fees of register of deeds of Winona county.....	1081, 1084
Chapter 384, special laws of 1889, giving justices of the peace in Aitkin county jurisdiction over Itasca county.....	1008
Chapter 431, special laws of 1889, relating to Annapolis street, St. Paul.....	249
Chapter 449, special laws of 1889, relating to service of process in justice court.....	249
Chapter 154, special laws of 1891, section 10, repealing section 31 of chapter 15, special laws of 1889, and re-enacting and amending said section 31, relating to municipal court of Sauk Centre.....	788
Chapter 330, special laws of 1891, creating a school district in Washington county.....	1072

	PAGE.
<b>RICE, COUNTY OF—</b>	
Amending chapter 454, special laws of 1889, to regulate the catching of fish.....	1096
Changing boundaries of school districts Nos. 61 and 111.....	930
<b>ROCHESTER, CITY OF—</b>	
Amending chapter 21, special laws of 1867, incorporation act.....	457
chapter 1, city and ward boundaries.....	458
chapter 2, elections.....	459
chapter 3, officers, their powers and duties.....	460
chapter 4, common council, powers and duties.....	468
chapter 5, finances and taxation.....	480
chapter 6, sinking fund.....	482
may issue refunding bonds to meet deficiencies.....	481
chapter 7, may issue bonds for local improvements.....	485
chapter 8, sewers.....	486
chapter 9, public improvements.....	489
chapter 10, school district and schools.....	495
may issue bonds for grounds and buildings.....	496
chapter 11, jury law, selecting and impaneling jurors.....	497
chapter 12, miscellaneous provisions.....	498
<b>ROTHSAY, VILLAGE OF—</b>	
Made a separate election district.....	867
<b>RUSH CITY, VILLAGE OF—</b>	
Authorized to issue bonds for floating indebtedness.....	782
<b>SACRED HEART, VILLAGE OF—</b>	
Authorized to pay back certain license money.....	885
Part of liquor license fund to be used for school purposes.....	892
<b>SAINT CLOUD, CITY OF—</b>	
Amending chapter 6, special laws of 1889, caring for the poor.....	705
Authorized to issue bonds to pay floating indebtedness.....	793
Authorizing school district to increase its issue of bonds.....	939
<b>SAINT HILAIRE, VILLAGE OF—</b>	
Council to set apart certain funds for school purposes.....	925
<b>SAINT JAMES, VILLAGE OF—</b>	
Declared a separate election district.....	868
<b>SAINT LOUIS, COUNTY OF—</b>	
Amending chapter 349, special laws of 1889, section 2, compensation of auditor and treasurer.....	1053
Amending chapter 435, special laws of 1889, relating to salary of judge of probate.....	1056
Ash river, authority to Morris Thomas of Duluth, to improve for rafting logs.....	1103
Compensation of certain county officers.....	1053
Compensation of sheriff for boarding prisoners.....	1054
Grand and petit jurors, selection of.....	1055
Prohibiting fishing by seining or nets in St. Louis river or bay.....	1099
Prohibiting saw mill refuse in St. Louis river.....	1058
Regulating the catching of fish in Canosia, Caribou and Grand lakes..	1099
Salaries of register of deeds and clerk of court.....	1057
Town of Fond du Lac, duties of town council transferred to senior judge of Eleventh Judicial District.....	903
<b>SAINT PAUL, CITY OF—</b>	
Amending section 1 of chapter 4 of chapter 1, special laws of 1874, relating to organization of council.....	196
chapter 5 of chapter 1, special laws of 1874, relating to the treasury department and finances.....	200
chapter 425, special laws of 1889, relating to police pension.....	233

SAINT PAUL, CITY OF—*Continued.*

PAGE

Amending chapter 6, special laws of 1891, substituting president of school inspectors for president of board of education.....	226
section 5 of chapter 3 of chapter 1, special laws of 1874, relating to law department.....	227
section 8 of chapter 4 of chapter 1, special laws of 1874, relating to exclusive power of council over streets, etc.....	199
section 16 of title 1 of chapter 7 of chapter 1, special laws of 1874, relating to objections filed against assessments.....	220
section 2 of title 3 of chapter 7, special laws of 1887, relating to changes of grades.....	225
section 5 of chapter 7, special laws of 1887, as amended by chapter 49, special laws of 1889, relating to local improvements.....	218
section 17 and 18 of title 1 of chapter 7 of chapter 7, special laws of 1887, relating to assessments on condemnation..	234
section 27 of title 1 of chapter 7 of chapter 7, special laws of 1887 relating to bidders' bonds.....	235
section 36 of title 1 of chapter 7 of chapter 7, special laws of 1887, relating to collection of assessments.....	235
section 12 of chapter 7, special laws of 1887, relating to duties of city engineer.....	219
section 7 of chapter 48, special laws of 1887, relating to duties of superintendent of workhouse.....	223
section 2, title 1, chapter 7 of chapter 32, special laws of 1889, giving council power to assess for street sweeping.....	227
section 2 of title 1 of chapter 7 of chapter 32, special laws of 1889, relating to easement for slopes and fills.....	234
section 12 of chapter 351, special laws of 1889, relating to clerk of municipal court.....	277
section 17 of chapter 351, special laws of 1889, relating to official reporter of municipal court.....	279
section 2 of chapter 375, special laws of 1889, relating to penalty on conviction for maintaining smoke nuisance.....	276
section 5, page 219, special laws of 1891, relating to opening of streets.....	225
section 12, page 219, special laws of 1891, relating to duties of city engineer.....	226
section 15, page 208, special laws of 1891, relating to conference committee reporting to council.....	226
section 16, page 210, special laws of 1891, relating to comptroller submitting estimate of expenses.....	226
section 83, page 222, special laws of 1891, relating to certificates of condemnation for slopes.....	225
subdivision 6 of section 3 of chapter 48, special laws of 1887, relating to special or emergency appropriations by council.....	222
subdivision 6 of section 3 of chapter 48, special laws of 1887, relating to emergency appropriations.....	226
title 1 of chapter 7, special laws of 1887, by adding five sections, relating to lamp inspection, street force, plats, condemning slopes, certificates for local assessments and adverse possession..	221
Annapolis street, authorizing city to condemn land for.....	260
Bath houses, council authorized to appropriate \$10,000 for.....	246
Board of education, re-organization law.....	268
repeal of previous laws relating to.....	274
Bonds, to be given by city officers.....	232
Bonds heretofore authorized for certain improvements, time of issue, prohibited until May, 1893.....	245
Ceding jurisdiction to United States of certain lots.....	242
amending section 1 of chapter 326, special laws of 1887.....	243
Certificates of indebtedness for purchase of lots for custom house.....	246
for paving Third street, from Broadway to bridge.....	247
City clerk and assistant city clerk.....	226
Coal and wood inspector, office and salary created.....	281

	PAGE.
<b>SAINT PAUL, CITY OF—Continued.</b>	
Como Park, amending chapter 258, special laws of 1888, relating to bonds for improving.....	244
Condemnation proceedings authorized to acquire certain lots for custom house.....	252
Contracts with city, amending chapter 360, special laws of 1889, relating to contractors' bonds.....	238
bonds for protection of laboring men and material.....	239
Conveyance of lots to United States.....	242
Corporation attorney, first assistant, salary.....	225
Fire protection, indebtedness to water board.....	223
Ingersoll's addition, legalizing plat.....	275
Lamp inspector, providing for appointment of.....	279
Law department of the city.....	227
Levee in sixth ward, city authorized to pay for.....	254
city authorized to lease.....	255
Municipal court, amending section 12 of chapter 351, special laws of 1889, relating to duties of clerk.....	277
amending section 17 of same act, relating to official reporter.....	279
Ordinances, style of.....	226
Parks, public, lots 1 and 2 of Rice & Irvine's addition, to be condemned for.....	225
Parks and parkways, reorganizing act.....	256
Police pension fund, amendment relating to.....	233
Publication of notices relating to assessments.....	225
Repeal of chapter 170, special laws of 1887, relating to issue of bonds for county jail.....	248
of chapter 356, special laws of 1889, relating to board of levee commissioners.....	248
of chapter 449, special laws of 1889, relating to service of process in justice courts.....	249
of chapter 431, special laws of 1889, relating to opening Annapolis street.....	249
of chapter 60, special laws of 1889, relating to fire wardens.....	253
Reimbursing certain persons for streets, alleys, etc., vacated under chapter 27, special laws of 1889.....	252
Salaries of certain officers.....	229
Sewers on Trout Brook and Phalen Creek, tax levy.....	237
in Tenth ward, tax levy for.....	237
Sweeney, Timothy, contract with, authorized to be modified.....	276
<b>SAINT PETER, CITY OF—</b>	
Amending and consolidating charter.....	151
chapter 1, city and ward boundaries.....	151
chapter 2, election of officers.....	152
chapter 3, powers and duties of officers.....	155
chapter 4, common council, general powers and duties.....	165
chapter 5, taxes and finances.....	174
chapter 6, streets, bridges, public grounds and sidewalks.....	176
chapter 7, water works, sewers, lighting of streets.....	188
chapter 8, fire department.....	191
chapter 9, school district and schools.....	193
chapter 10, miscellaneous provisions.....	194
Amending foregoing act relating to repair of sidewalks.....	728
Authorized to issue bonds for railroad right of way.....	795
May levy a three mill tax for current expenses.....	899
<b>SAINT VINCENT, VILLAGE OF—</b>	
Authorized to issue bonds for court house and jail.....	797
Authorized to incur an indebtedness for expenses relating to county seat election.....	906
<b>SAUK CENTRE, CITY OF—</b>	
Amending chapter 15, special laws of 1889, being amendments to the municipal court act.....	785

SAUK CENTRE, CITY OF—*Continued.*

Repealing section 10 of foregoing act, and re-enacting section 31 of chapter 15, special laws of 1889, with modifications, relating to change of venue.....	788
---	-----

## SAUK RAPIDS IMPROVEMENT COMPANY—

Authorized to maintain a dam across Mississippi river.....	957
--	-----

## SAUK RAPIDS, VILLAGE OF—

Authorizing bonds for fire protection.....	800
--	-----

## SCHOOLS AND SCHOOL DISTRICTS—

Blue Earth county, city of Mankato, dividing school district into four precincts.....	889
Brainerd, relating to election of board of education.....	878, 915
Brown and Redwood counties, a new school district created.....	913
Brown county, legalizing proceedings of school district No. 7.....	914
Canton village, to pay one-half of liquor licenses for school purposes..	886
Carver county, village of Watertown authorized to appropriate liquor license money for school purposes.....	888
Crow Wing county, Brainerd school district reorganized.....	878
Brainerd district authorized to make a settlement.....	915
apportionment of one mill school tax.....	916
Dakota county, South St. Paul district, secs. 14 and 15.....	677
creating a new district out of part of No. 83.....	916
repeal of act for appointment of county superintendent by state high school board.....	969
county superintendent hereafter to be elected by the people.....	970
Douglas county, Alexandria village, changing boundaries.....	917
Duluth, city of, reorganization of board of education.....	931
Faribault county, village of Minnesota Lake to use liquor license fund to take up school district bonds.....	887
Fillmore county, village of Canton to transfer certain liquor license money to school district.....	886
Francenia, village of, to transfer certain liquor license money to school district.....	707
Goodhue county, Red Wing district, election of school board.....	880
Hennepin county, new district created.....	917
Houston county, village of Houston to transfer certain liquor license to school district.....	885
Clay county, change of boundaries in district No. 2.....	915
Isanti county, apportionment of money between certain districts.....	918
Jackson county, changing boundaries and creating a new district.....	919
Janesville, village of, to transfer half of liquor license fund to school district.....	875
Kanabec county, special school tax of two mills authorized.....	1010
Kandiyohi county, high school board examinations extended to common schools.....	920
Lac qui Parle county, new districts created.....	920, 921
Lake City, adding new territory.....	877
reducing the quorum in school board.....	941
Le Sueur county, change of boundaries.....	922
changing boundary of No. 73.....	936, 937
Mankato, dividing district into four precincts.....	889
board of education may issue refunding bonds.....	912
McLeod county, change of boundaries.....	922, 923
Meeker county, village of Dassel to transfer part of license fund.....	700
No. 9 authorized to compromise a debt.....	924
Minnesota Lake, village of, to transfer license money to take up school bonds.....	897
Murray county, relating to Slayton district.....	924
Nicollet county, St. Peter reorganized from Oshawa district.....	193
North Branch, transfer of license money.....	914
Northfield, divided into wards and creating separate school district election districts.....	875

## SCHOOLS AND SCHOOL DISTRICTS—Continued.

PAGE.

Norman county, change of boundaries in Ada district.....	925
Olmsted county, Rochester district reorganized.....	495
Polk county, city of East Grand Forks to transfer part of license money.....	705
Pope county, boundaries of districts 19 and 7 changed.....	926
Ramsey county, boundaries of Nos. 56 and 25 changed.....	926
funds of certain districts transferred to St. Paul schools.....	1039
Rice county, Northfield created into wards with separate elective districts.....	675
changing boundaries of Nos. 61 and 111.....	930
changing boundaries of Faribault district.....	931
Red Wing, school board reorganized.....	680
Redwood county, changing boundaries of Nos. 1 and 69.....	927
Renville county, village of Sacred Heart to transfer part of liquor license money.....	892
auditor to levy a tax on school district No. 11.....	927
changing boundaries of No. 82.....	930
creating a new district from No. 81.....	928
creating a new district from Nos. 22, 26 and 59.....	929
Rochester, city of, reorganized.....	495
Saint Paul, reorganization of board of education.....	268
Saint Hilaire to appropriate certain moneys.....	925
Scott county, changing boundary of No. 62.....	936
changing boundary of No. 73.....	937
Stearns county, changing boundaries of Nos. 43, 45 and 139.....	937, 938
authorizes district No. 102 to appropriate money for a dwelling house.....	938
authorizing St. Cloud district to increase its issue of bonds.....	939
legalizing change of boundaries in district No. 153.....	939
Stillwater, relating to term of office, and holding biennial election.....	877
Traverse county, new districts created.....	919, 940
changing boundaries of Nos. 42 and 18.....	940
Todd county, creating a new district from No. 11.....	941
Wabasha county, Lake City, change of boundary.....	877
change of boundaries, districts Nos. 37 and 98.....	942
change of boundaries, districts Nos. 64 and 58.....	942
creating a new district.....	943
Waseca county, village of Janesville to transfer part of liquor license.	875
Waseca city, school districts.....	582
changing boundaries of Nos. 29 and 76.....	943
Washington county, Stillwater district, terms of office.....	877
independent districts of Newport and St. Paul Park legalized.....	944
changing boundaries of St. Paul Park district.....	946
creating a new special school district.....	947
repealing chapter 330, the foregoing act.....	1072
Watertown, village of, to transfer part of liquor license money for repairing school buildings.....	888
Watonswan county, changing boundaries of independent district No. 1	947
Winona county, amending the law relating to Winona board of education.....	948
abolishing independent district 53.....	949
regulating election of county superintendent.....	1081

## SCOTT, COUNTY OF—

Authorized to issue bonds for a poor fund.....	1059
Changing boundaries of school district No. 73.....	936, 937
Regulating the catching of fish, except in Minnesota river.....	1100

## SHAKOPEE, CITY OF—

Amending chapter 6, special laws of 1875, relating to election of city engineer.....	696
relating to establishment of grades.....	696
relating to limiting poll tax liability.....	696
Legalizing all grades, surveys, plats and profiles.....	911

	PAGE.
<b>SHERBURNE, COUNTY OF —</b>	
Commissioners authorized to issue bonds for a bridge across the Mississippi river.....	1060
Town of Becker, authorized to appropriate money for a town hall.....	1061
Town of Big Lake, authorized to vote bonds for a bridge.....	1059
<b>SIBLEY, COUNTY OF —</b>	
All municipal corporations made separate election districts.....	897
Township of Faxon, authorized to issue bonds for railroad encouragement.....	793
Publication of redemption notices in Winthrop News legalized .....	1062
<b>SOUTH ST. PAUL, CITY OF —</b>	
Amendments to charter of.....	674
section 1, amending chapter 67, special laws of 1889, election of officers.....	674
section 2, amending chapter 7, special laws of 1889, relating to elective officers.....	675
section 3, relating to returns of election.....	675
section 4, relating to the mayor.....	675
section 5, relating to salary of mayor.....	676
section 6, relating to city clerk.....	676
sections 7, 8, relating to issue of bonds.....	676
sections 10, 11, 12, 13, relating to official publications.....	677
sections 14, 15, relating to a board of education.....	677
section 16, relating to official newspaper.....	677
section 17, amending chapter 1, special laws of 1887, relating to bonds for water works.....	679
section 18, bonds authorized for railroad and wagon bridge.....	678
<b>SPRING GROVE, VILLAGE OF —</b>	
Declared a separate election district.....	869
<b>STEARNS, COUNTY OF —</b>	
Additional clerk in auditor's office authorized.....	1062
Auditor authorized to levy a special tax.....	1064
Authorizing school district No. 102 to appropriate money for a dwelling house.....	938
Changing boundaries of school districts Nos. 43, 45 and 139.....	937, 938
Clerk of probate court, salary of.....	1063
Legalizing action of school district No. 153 in changing its boundaries.....	939
Legalizing certain roads in the town of Oak.....	1064
Probate notices, relating to the publication of.....	1063
Regulating the fishing in Clearwater lake.....	1101
<b>STEPHEN, VILLAGE OF —</b>	
Authorized to issue bonds for water works.....	852
<b>STEELE, COUNTY OF —</b>	
Authorized to vote bonds for a court house.....	1065
<b>STEVENS, COUNTY OF —</b>	
Amending chapter 273, special laws of 1889, relating to caring for the poor.....	981
Authorized to vote bonds, to refund railroad bonds.....	1066
<b>STILLWATER, CITY OF —</b>	
Amending chapter 92, special laws of 1881, charter of.....	531
additional sections to chapter 10, relating to payment of assessments.....	535
amending section 6 of chapter 10, street improvements.....	531
amending section 17 of chapter 3, relating to salaries.....	548
Amending section 1 of chapter 110, special laws of extra session of 1881, relating to sinking fund.....	549
amending section 5 of chapter 4 of said act, powers of council .....	549

**STILLWATER, CITY OF—Continued.**

Amending section 54 of chapter 6, special laws of 1887, relating to salaries .....	549
amending section 2 of said act, relating to time of elections .....	550
amending section 5 of said act, relating to election precincts .....	550
Authorized to issue bonds for permanent improvement fund.....	801
Relating to terms of office and election of school directors.....	877

**SWIFT, COUNTY OF—**

Regulating the catching of fish in Monson lake.....	1101
Town of Dublin to reimburse village of Murdock certain moneys.....	1067

**THIEF RIVER FALLS, VILLAGE OF—**

Authorized to issue bonds for bridge purposes.....	820
--	-----

**TODD, COUNTY OF—**

New school district organized from No. 11.....	941
--	-----

**TOWER, CITY OF—**

Amending chapter 17, special laws of 1889, relating to equitable issues in municipal court.....	735
attachment and replevin .....	739, 740
judgments, transcripts and executions.....	740
salary of judge and clerk, powers of officers.....	741
powers of municipal court.....	737
terms, summons and service in.....	738
Bond to street railroad company legalized.....	777

**TOWNS AND TOWNSHIPS—**

See under title of counties wherein located.

**TRACY, VILLAGE OF—**

Authorized to issue bonds for water works, etc.....	725
---	-----

**TRAVERSE, COUNTY OF—**

Authorized to vote bonds for county buildings.....	1067
Change of boundaries in school districts Nos. 42 and 18.....	940
Judge of probate, salary and clerk hire.....	1069
New school districts created .....	919, 940

**TWO HARBORS, VILLAGE OF—**

Authorized to issue bonds for water works.....	730
--	-----

**VESELI, VILLAGE OF—**

Change of time of holding village elections.....	731
--	-----

**WABASHA, CITY OF—**

Amending chapter 13, special laws of 1889, relating to licenses.....	732
--	-----

**WABASHA, COUNTY OF—**

Changing boundaries of school districts Nos. 37 and 98.....	942
Changing boundaries of school districts Nos. 64 and 58.....	942
Creating a new school district.....	943
Judge of probate, salary of.....	1069

**WALNUT GROVE, VILLAGE OF—**

Created a separate election district.....	873
---	-----

**WARREN, CITY OF—**

Act of incorporation.....	281
chapter 1, creation and city boundaries.....	281
chapter 2, elections and elective officers.....	282
chapter 3, duties of officers.....	284
chapter 4, relating to police department.....	290
chapter 5, city council, powers and duties.....	292
chapter 6, fire department.....	300
chapter 7, taxation and bonds.....	301
chapter 8, condemnation of private property for public use.....	302
chapter 9, streets, sidewalks, bridges and special assessments.....	305
chapter 10, miscellaneous provisions.....	311



## WASECA, CITY OF—

Amending chapter 47, special laws of 1881, and chapter 117, special laws of 1885.....	557
bonds for electric lights and water works.....	578
city boundaries.....	558
common council, powers and duties.....	564
elections and officers.....	559
finance and taxation.....	570
fire department.....	577
independent school districts.....	582
intoxicating liquors.....	579
miscellaneous provisions.....	580
municipal court established.....	583
public improvements.....	571
road district.....	571

## WASECA, COUNTY OF—

Authorized to purchase fair grounds for agricultural society.....	1070
Boundaries of commissioner districts.....	1070
Change of boundaries in school districts Nos. 29 and 76.....	943

## WASHINGTON, COUNTY OF—

Changing boundaries of St. Paul Park district.....	946
Creating a new school district.....	947
repealing the foregoing law.....	1072
Judge of probate, salary of.....	1071
Legalizing the independent school districts of Newport and St. Paul Park.....	944
Market fishing prohibited, except in Lake St. Croix and river and the Mississippi river.....	1097
Relating to meetings of commissioners, and additional clerk hire in auditor's office.....	1075
Town of Cottage Grove, authorized to vote bonds for a bridge across the Mississippi river.....	1073
Town of Denmark, authorized to vote bonds for the same purpose.....	1074
Town of Forest Lake to transfer liquor license money to repair of town roads.....	1072
Town of Newport to collect poll tax in money.....	901
Town and village of Newport authorized to vote bonds for the same purpose.....	1076
Town of Oakdale to use liquor license fund for repairing roads.....	838

## WATERTOWN, VILLAGE OF—

Authorized to use liquor license money for school purposes.....	888
---	-----

## WATONWAN, COUNTY OF—

Authorized to vote bonds for erection of court house.....	1079
Changing boundaries of independent school district No. 1.....	947

## WAVERLY, VILLAGE OF—

Authorized to issue bonds for building town hall.....	849
Authorized to rebate certain license money.....	893
Declared a separate election district.....	872

## WELLS, VILLAGE OF—

Authorized to issue bonds for public hall.....	803
Extending corporate limits.....	720

## WEST DULUTH—

Providing for annexation to Duluth.....	644
Validating assessments for local improvements.....	700

## WEST ST. PAUL, CITY OF—

Amending chapter 1, special laws of 1889, prohibiting the issue of certain bonds.....	747
limiting the issue of certificates of indebtedness.....	747
prohibiting aldermen from receiving compensation.....	748
providing for elections in wards to be at one common polling place.....	747

**WHALAN, VILLAGE OF—**

PAGE.

Authorized to expend village funds on roads and bridges outside the limits.....	908
---	-----

**WHEATON, VILLAGE OF—**

Legalizing the incorporation of.....	706
Authorized to issue bonds for water supply .....	775

**WILLMAR, VILLAGE OF—**

Amending chapter 49, special laws of 1876, powers of trustees, relating to fires.....	702
Authorizing bonds for water works.....	706

**WINDOM, VILLAGE OF—**

Authorized to issue bonds for internal improvements.....	854
Made a separate election district .....	861

**WINNEBAGO CITY, VILLAGE OF—**

Amending chapter 7, special laws of 1874, relating to taxation.....	722
Authorized to issue bonds for water works, etc.....	812

**WINONA, CITY OF—**

Abolishing independent district No. 3, and turning over property to board of education.....	949
Amending chapter 155, special laws of 1878, relating to board of education.....	948
Amending chapter 5, special laws of 1887, holding biennial elections..	711
time of electing city officers and municipal judge.....	711
providing for publication of notices in German paper.....	739
relating to streets and sewers.....	744
Amending chapter 382, special laws of 1839, relating to parks and parkways.....	896
Authorized to construct a bridge across Mississippi river and issue bonds in payment.....	742
Authorized to issue bonds for water works.....	851
Repealing chapter 22, special laws of 1870, restricting incurring liability without a vote of people.....	896

**WINONA, COUNTY OF—**

Abolishing independent school district No. 83.....	949
Regulating election of county superintendent of schools .....	1081
Relief of the poor in towns and villages.....	1082
Repealing chapters 361 and 395, special laws of 1889, fees of register of deeds.....	1081, 1084

**WINTHROP, VILLAGE OF—**

Authorized to issue bonds for water works.....	850
Created a separate election district.....	897

**WORTHINGTON, VILLAGE OF—**

Authorized to issue bonds for electric light system.....	799
--	-----

**WRIGHT, COUNTY OF—**

Amending chapter 373, fixing compensation of auditor.....	1087
Amending chapter 432, special laws of 1889, fixing the compensation of clerk of court and deputy.....	1085
Amending chapter 452, special laws of 1839, fixing compensation of register of deeds.....	1086
Commissioners authorized to issue bonds for a bridge across the Mississippi river .....	1084
Regulating fishing in Clearwater lake .....	1101
Regulating fishing in Lake Collinwood.....	1096
Town of Buffalo authorized to drain Rice lake .....	1085

	PAGE
<b>WRIGHT, COUNTY OF—</b> <i>Continued.</i>	
Town of Monticello authorized to issue bonds for a bridge across the Mississippi river.....	855
Villages made separate election districts....	872
<b>UNITED STATES—</b>	
Authorized to acquire title to property in city of Mankato.....	906
Authorized to acquire title to certain lots in St. Paul for custom house.....	242, 244









